

Meeting

Planning COMMITTEE A

Date and time

Wednesday 8TH FEBRUARY, 2023

At 7.00 PM

Venue

Committee ROOM 1, HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

To: Members of Planning COMMITTEE A (quorum 3)

Chair: Councillor Nagus Narenthira
Vice Chair: Councillor Tim Roberts

Richard Barnes
Lachhya Gurung

Danny Rich
Elliot Simberg

Substitute Members

Claire Farrier
Gill Sargeant

Shuey Gordon
Tony Vourou

Arjun Mitra
Lucy Wakeley

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You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood – Head of Governance

Governance Service contact: planning.committees@barnet.gov.uk

Media Relations Contact: Tristan Garrick 020 8359 2454 Tristan.Garrick@Barnet.gov.uk

Assurance Group

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Order of Business

Item No	Title of Report	Pages
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4.	Report of the Monitoring Office (if any)	
5.	Addendum (if applicable)	
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10.	8 Parkside Gardens Barnet EN4 8JP (22/5139/HSE) (Brunswick Park)	71 - 78
11.	A1000 High Road, Junction With Bedford Road To The North And Brompton Grove To The South, N2 8AQ (21/0673/ADV) (East Finchley)	79 - 90
12.	60 North End Road, NW11 7SY (22/5523/HSE) (Childs Hill)	91 - 100
13.	Conditions - Land Jeanettes, North of The Ridgeway, Barnet NW7 1EL	101 - 136
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Decisions of the Planning Committee A

11 January 2023

Members Present:-

AGENDA ITEM 1

Councillor Nagus Narenthira (Chair)

Councillor Tim Roberts (Vice-Chair)

Councillor Richard Barnes
Councillor Lachhya Gurung

Councillor Danny Rich
Councillor Elliot Simberg

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 30 November 2022 be agreed as a correct record

2. ABSENCE OF MEMBERS

None.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS (IF ANY)

None.

4. REPORT OF THE MONITORING OFFICE (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

Items contained within the addendum were dealt with under individual agenda items. The Committee noted the addendum to the Planning Agenda which was published and circulated prior to the meeting.

The order of business was changed to accommodate speakers.

6. FRITH GRANGE CAMP SITE FRITH LANE LONDON NW7 1PT (22/2210/FUL) (TOTTERIDGE & WOODSIDE)

The Planning Officer presented the report.

Mike Proctor spoke in support of the application.

Cllr Richard Cornelius addressed the Committee and spoke in support of the application.

The Agent, Cheryl Farrow, addressed the Committee.

The Committee had the opportunity to ask questions of the supporters, the Agent and Officers. Further to a discussion, the Chair moved to vote on the Officer's recommendation to approve the application.

Councillor Danny Rich was not present. Therefore, the votes were recorded as follows:

For: (approval) 5
Against: (approval) 0

RESOLVED that the application be APPROVED subject to S106 AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in the report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

7. INTEC HOUSE 49 MOXON STREET BARNET EN5 5TS (22/4526/FUL) (HIGH BARNET)

The Planning Officer presented the report.

Matt Schofield and Maria Jose Marinas spoke against the application.

The Agent, Jamie Sullivan, addressed the Committee.

The Committee had the opportunity to ask questions of objectors, the Agent and Officers. Further to a discussion, the Chair moved to vote on the Officer's recommendation to approve the application.

Councillor Danny Rich joined the meeting at 7.45pm and therefore was not present during the whole discussion.

The votes were recorded as follows:

For: (approval) 4
Against: (approval) 1

RESOLVED that the application be APPROVED subject to s106 AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in the report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

8. 10 WENTWORTH AVENUE LONDON N3 1YB (22/2859/FUL) (WEST FINCHLEY)

The Planning Officer presented the report.

Helen Simons and Nick Williams spoke against the application.

The Agent, Joel Gray, addressed the Committee.

The Committee had the opportunity to ask questions of objectors, the Agent and Officers.

Further to a discussion, the Chair moved to vote on the Officer's recommendation to approve the application.

The votes were recorded as follows:

For: (approval) 1

Against: (approval) 4

Abstention: 1

Further to discussion of the item, Cllr Rich moved a motion seconded by Councillor Simberg, to refuse the application for the following reason:

The proposed development would represent an over intensification of the site by reason of the number of units and provide an inappropriate mix of units, detrimental to the character of the surrounding area contrary to London Plan Policy H10, Policies CS NPPF, CS5 of the Barnet's Adopted Core Strategy (2012), Policy DM01 and DM08 of the Adopted Development Management Policies DPD (2012) and the adopted Residential Design Guidance SPD (2016).

The motion was carried. The Committee then voted to refuse the application as follows:

For: (refusal) 4

Abstention: 2

RESOLVED that the application be REFUSED.

9. CLARA NEHAB HOUSE 13 - 19 LEESIDE CRESCENT LONDON NW11 0DA (22/0889/FUL) (GOLDERS GREEN)

The Planning Officer presented the report.

Ora Goldberg and Arnie Meyers spoke in favour of the application.

Cllr Dean Cohen addressed the Committee and spoke in support of the application.

The Agent, Daniel Klein, addressed the Committee.

The Committee had the opportunity to ask questions of the supporters, the Agent and Officers. Further to a discussion, the Chair moved to vote on the Officer's recommendation to approve the application.

The votes were recorded as follows:

For: (approval) 6

Against: (approval) 0

RESOLVED that the application be APPROVED subject to S106 agreement AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in the report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

10. 42 KINGS ROAD BARNET EN5 4EG (22/0139/FUL) (HIGH BARNET)

The Planning Officer presented the report.

Warren Wilson spoke against application.

The Agent, Martin Walsh, addressed the Committee.

The Committee had the opportunity to ask questions of the objector, the Agent and Officers. Further to a discussion, the Chair moved to vote on the Officer's recommendation to approve the application.

The votes were recorded as follows:

For: (approval) 6

Against: (approval) 0

RESOLVED that the application be APPROVED subject to conditions AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in the report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

**11. LEECROFT ROAD ADJACENT TO HERTSWOOD COURT HILLSIDE GARDENS
BARNET EN5 4AU (TPP/0243/22) (UNDERHILL)**

The Planning Officer presented the report.

Paul O'Duffy spoke against the application. The Agent was not present.

The Committee had the opportunity to ask questions of the objector and Officers. Further to a discussion, the Chair moved to vote on the Officer's recommendation to approve the application.

The votes were recorded as follows:

For: (approval) 5

Against: (approval) 0

Abstention: 1

RESOLVED that the application be APPROVED subject to conditions AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in the report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

**12. 198 GOLDERS GREEN ROAD LONDON NW11 9AL (22/4591/FUL) (GOLDERS
GREEN)**

The Planning Officer presented the report.

Daryoush Falat addressed the Committee on behalf of the Applicant.

The Committee had the opportunity to ask questions of the Applicant's representative and Officers. Further to a discussion, the Chair moved to vote on the Officer's recommendation to approve the application.

The votes were recorded as follows:

For: (approval) 6

Against: (approval) 0

RESOLVED that the application be **APPROVED** subject to conditions **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in the report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

13. ANY ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 10.05pm

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Location 52 Tenterden Grove London NW4 1TH

Reference: 22/5179/RCU

Received: 21st October 2022

Accepted: 21st October 2022

Ward: Hendon

Expiry 16th December 2022

AGENDA ITEM 6

Case Officer: Radhika Bedi

Applicant: Mr Hillel Broder

Proposal: Raising of boundary wall piers and insertion of metal railings
(Retrospective Application)

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan

Block Plan

Drg No HB/52TG/1 - Tenterden Close Elevation

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

OFFICER'S ASSESSMENT

1. Site Description

The application site is a three-storey detached corner dwelling located on Tenterden Grove, the adjacent road being Tenterden Close. The area is characterised by large detached dwellings with amenity space to the front and rear of the properties. Front boundary treatments are typically large pillars featuring metal railings in between.

The property is not listed and does not fall within a conservation area. There is a protected tree sited near the front boundary wall of the property.

2. Site History

Application reference: W14390/08

Address: 50 Tenterden Grove, NW11 1TH

Description: Demolition of existing dwelling and erection of 2, two storey detached houses with rooms in basement and roof space. Provision of off-street car parking.

Decision: Approved, subject to conditions

Decision date: 24.04.2008

Application reference: H/03715/11

Address: 50 Tenterden Grove, NW11 1TH

Description: Submission of details of conditions 4 (levels), 5 (Materials), 6 (Means of Enclosure), 7 (Refuse), 11 (Cycle Stores), 20 (Privacy Screens), 21 (Landscaping Screen) Pursuant to planning permission W14390/E/08 dated 28/4/08
Decision: Approved
Decision date: 31.10.2011

3. Proposal

The application seeks planning permission for the raising of boundary wall piers and insertion of metal railings (Retrospective Application).

The side boundary wall originally comprised a brick wall, stepped to reflect the fall in levels towards the rear of the site. The existing piers are shown to have been progressively raised along the side elevation adjacent to Tenterden Close, along with the erection of metal railings between the piers. This is a retrospective application in which the proposed works have already been built.

4. Public Consultation

Consultation letters were sent to 29 neighbouring properties.

6 objections were received throughout the lifetime of this application, the main points for consideration are:

Breach of planning regulations, loss of outlook, poor design of metal bars, reduce value of neighbouring property, excessive height, loss of local character.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published on 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5,

Relevant Development Management Policies: DM01.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment

Character

Any proposed scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS5 (both of the Barnet Local Plan), D3 (both of the London Plan).

Proposals for new or replacement fences, walls or other means of enclosure will be considered in terms of their impact on residential amenity, highway safety and in particular the visual character of the surrounding area. Domestic means of enclosure are a prominent feature within residential streets. They define residential boundaries and contribute to the quality and character of the street scene. Where there is a distinctive type of frontage in a residential area, including an open frontage, it will be desirable to keep and reinforce this type of boundary treatment in new development. Any development proposal should as far as practicable retain as much as possible of existing characteristic boundary treatments and/or re-create the predominant type of boundary treatment.

This application was consulted with the highways officer, who stated that they did not object to the proposal on the grounds that 'The proposal only extends existing fencing rather than creating new boundary walls, as well as not directly facing a highway, although being adjacent to Tenterden Close.

Many of the neighbouring properties feature boundary walls and metal railing fencing in between, as such, the proposal is considered to be acceptable by way of character. Although the height of the boundary wall is progressively raised higher along Tenterden Close, this is not visually obtrusive due to the wall being broken up into sections of railings and piers. The design and siting of the boundary wall is considered to be appropriate given its location. It is recognised that the previous wall, given the fall in levels, did not provide a secure boundary to the property.

Residential Amenities

The proposal is not considered to have any impact on the living conditions of neighbouring properties, being sited near Tenterden Close. Although visible from residents in Tenterden Close, the railings provide an element of visual transparency, enabling natural surveillance as well as avoiding creating a sense of enclosure. The original boundary feature was similar in appearance, it is just the height that has been increased with the addition of higher piers and railings. The proposal is not considered to result in an unacceptable loss

of outlook due to the fractured nature of the railings and piers.

The protected tree near to the site lies on the front elevation of the host dwelling, and does not interact with this development, as such, there would be no need for mitigating conditions in this regard.

Highways Officers recommended approval, citing no concerns due to the basis of this development being simply the raising of existing boundary walls and fencing.

Therefore, it is considered that the development as existing has an acceptable impact on the residential amenity of neighbouring occupiers and its impact to character, appearance and the street scene are minimal and therefore acceptable.

5.4 Response to Public Consultation

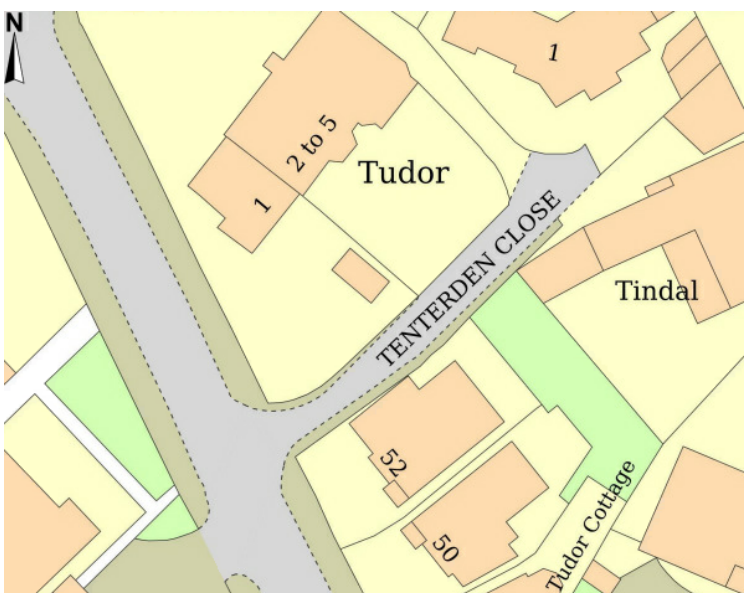
Key planning considerations have been addressed within the body of the report.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.



Location **Sherwood Court Garages Friern Park London N12 9LX**

Reference: **22/0766/FUL** Received: 4th February 2022 **AGENDA ITEM 7**
Accepted: 4th February 2022

Ward: Woodhouse Expiry 1st April 2022

Case Officer: **John Sperling**

Applicant:

Proposal: Demolition of existing garages. Erection of a two storey detached dwelling with off street parking and amenity space (AMENDED DRAWINGS).

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

13784-P-201
13784-P-202
13784-P-203
13784-P-204
13784-P-206 A
13784-P-207 B
13784-P-208 A
13784-P-209 A
13784-P-210 A
Ecological Assessment

Design and Access Statement
Energy Statement
Arboricultural Report

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

- 4 The roofs of the building hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 5 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 6 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

- 7 Prior to occupation at least 2 x 1FF Schwegler bat boxes (or alternative brand), 2 x Schwegler 1B bird nest box, (or alternative brands) shall be installed on the newly constructed building and retained trees nearby in accordance with guidance with 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA)', shall be installed at least 6m high on the S, SE, or SW orientation, ideally and with

enough space for bats to fly under the box easily in accordance with guidance with 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA)'. Photographs of the bat roost and bird nest box are to be submitted as evidence of compliance which shall be approved by the local planning authority. These installations shall be maintained and replaced as necessary for the lifetime of the building as directed by an appropriately qualified and licenced bat ecologist.

Reason: To enhance conditions for bats and nesting birds pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with policy DM16 of the Development Management Policies DPD (adopted September 2012), policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy G6 of the London Plan.

- 8 The development shall be implemented in accordance with the recommendations set out in the Ecological Assessment in respect of Low Impact Lighting

Reason: To protect bats pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with policy DM16 of the Development Management Policies DPD (adopted September 2012), policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy G6 of the London Plan.

- 9 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 10 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained

thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in The London Plan (2021) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 11 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI 5 of the London Plan 2021

- 12 No works on public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to make an application to the Domestic Crossovers Team, for the creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 13 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September

2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement in carbon dioxide emissions of a minimum of 10% when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies SI.2 of the London Plan 2021.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A-F of Part 1, or Classes A or C of Part 2 of Schedule 2 of that Order shall be carried out within the area of the application site hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers and the character and appearance of the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 16 Before the building hereby permitted is first occupied the proposed window(s) in the side and rear elevations as shown on drawing 13784-P-209A shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 17 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site

investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

- 18 Prior to commencement of any construction or demolition works a detailed application shall be submitted to Highway Authority for approval of the alterations to the vehicular access from public highway and the works shall be carried out in accordance with the approved plans.

Reason: To ensure that the access is satisfactory in terms of highway safety and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 19 Prior to occupation of the development the proposed parking spaces within the parking area submitted with the planning application and the access to the parking area from public highway shall be provided. The access to the parking spaces shall be maintained at all times. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and

Policy DM17 of Development Management Policies (Adopted) September 2012.

- 20 No structure including fences or planting exceeding 0.6 metres in height shall be erected to the left or right of the access within the visibility splay at the junction of private access and the public highway.

Reason: To preserve site line and in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 21 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side or rear elevation(s), of the building hereby approved, facing Sherwood Court, 134 Friern Park or 6 Torrington Grove.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 22 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat
- c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM16, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 23 Prior to the first occupation of the development hereby approved the solar PV panels shall be provided in accordance with the details shown on the approved drawings.

Reason: To ensure that the development is sustainable and minimises carbon

dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Polices document (2012) and policies S1.2 of the London Plan (2021).

- 24 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction

with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

- 3 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.
- 4 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.
- 5 The applicant is advised that if the development is carried out, only low level planting or landscaping (Below 0.6m in height) shall be provided at the entrance to the development to ensure that the visibility splays on either side of the access for the vehicles emerging from the development are kept clear of any obstruction which is likely to have a detrimental impact on highway and pedestrian safety.
- 6 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 7 The submitted Construction Method Statement shall include as a minimum details of:
 - o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

- o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
 - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
- 8 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.
- Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 9 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to

whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

- 10 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

- 11 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Highway Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Highway Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

OFFICER'S ASSESSMENT

1. Site Description

The application site relates to a set of 3no. attached garages which is part of Sherwood Court (132 Friern Park, N12 9LX). The site is an unkept plot located on the eastern side of Torrington Grove, close to the junction of Friern Park, within the Woodhouse ward.

The surrounding area is characterised as residential ranging from flatted development to the single family dwellinghouses of detached and semi-detached typologies.

The site is not located within a Conservation Area or any other area of special control. There are no TPO's on site.

2. Relevant Site History

Reference: 21/8114/QCF

Address: Sherwood Court, Friern Park, London, N12 9LX

Decision: Pre-application advice issued

Decision Date: 21 June 2021

Description: Proposed new dwelling by demolition of existing unused garages adjacent to Sherwood Court, 131 Friern Park, North Finchley, N12 9LX

Reference: C09292

Address: Land At Rear Of Sherwood Court 132 Friern Park London N12

Decision: Withdrawn

Decision date: 20/02/87

Description: Two storey detached house with integral garage, vehicular access & driveway.

3. Proposal

This application seeks approval for the 'Demolition of existing garages. Erection of a two storey detached dwelling with off street parking and amenity space.'

Overall, the proposed dwelling would measure a maximum depth of 7 metres, width of 9.8 metres and maximum height of 6.3 metres from the right flank wall.

The main bulk of the property would form a two storey massing with a single storey front projection, measuring a height of 2.7 metres, accommodating the front porch and front living room space. This would create a stepped front elevational appearance.

Fenestration is included to all elevations.

The overall footprint of the site is 197.34m² and the proposed dwelling would consist of 64.06m², which is 32.4% of the site footprint.

The dwelling would provide 3 bedrooms for 4 persons and would benefit from approximately 62m² of private rear amenity space and front amenity space to include

accommodation for 2no. car parking spaces.

4. Public Consultation

Consultation letters were sent to 84 neighbouring properties

8no objections was received. The comments may be summarised as follows:

- Overdevelopment and overcrowded nature of the plot
- The intersection of the Friern Park / Torrington Grove is already overbuilt / overpopulated
- Architectural style would harm the character of the area
- Restricted parking spaces for residents at Sherwood Court
- Increased congestion
- Overlooking
- Loss of privacy
- Loss of light
- Disruption from the construction process along Friern Park
- Detrimental impact on the environment.
- A tree has been removed near the boundary with No.6 Torrington Grove. Evidence of this tree is available on Google Street View
- Incorrect information in the submitted document
- Noise pollution
- Need to reposition existing bins
- Loss of trees
- Proposal conflicts with lease agreement for residents at Sherwood Court

Following receipt of amendments, a 14 day reconsultation was issued to residents on the 16th May. 4no additional objections were received in this period and may be summarised as follows:

- Amended drawings fail to address concerns of residents, namely relating to the conflicting nature of the existing residents leases and the proposed use of the site.
- Loss of outdoor amenity space.
- No relocation for the bins that serve Sherwood Court
- Proposed extension of existing crossover reduces on-street parking capacity
- Air pollution
- Increased parking pressure

Metropolitan Police Design Out Crime Officer - "In my opinion, the cycle store needs addressing. In its current position, it is assumed that this will not be protected behind any type of security rated gate - presumably it'll consist of a close board timber gate with one or two points of locking. I would advise that the proposed cycle store is moved to a secure shed (blue rectangle) located within the rear garden. The lockable garden gate can remain either in its proposed position or installed to the opposite side of the building, but this will be the first secure line to help to protect the more vulnerable sides and rear of the site (against burglary) and any items within the garden. By placing a lockable garden shed with either a Sheffield stand incorporated or secure cycle anchors within, the lockable shed then provides a further line of defence and further delays an offender. This shed is also in better view by the future residents, than as currently located out of view at the side of the building."

.4.1 Internal Consultation

Environmental Health - no objections subject to details being confirmed and satisfied via condition.

Highways - no objections to amended drawings subject to conditions.

Street Scene - no objection

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2041. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.

- Relevant Development Management Policies: DM01, DM02, DM07, DM08, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the

Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. The SPD states that large areas of Barnet are characterised by relatively low-density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Impact on the principle and character and appearance of the area;
- Impact on the amenities of neighbouring occupiers;
- Provision of suitable accommodation for future occupiers;
- Impact on Highways
- Refuse and Recycling
- Accessibility and Sustainability.

5.3 Assessment of proposals

Principle and Impact on the character and appearance of the area

Barnet's Local Plan, Residential Design Guidance (RDG) emphasises that development needs to recognise local patterns of development. This includes the perimeter block structure, which is characterised by the fronts of buildings facing onto the street and private spaces located at the rear, providing a clear distinction between public and private space.

Paragraph 6.2 of the adopted Residential Design Guide states, "Respecting local character does not necessarily mean replicating it; however, great care should be taken when incorporating contemporary design into the existing urban fabric. New and old buildings can co-exist without negatively influencing the character of the area, but new development should always sit comfortably with its neighbours". Upon assessment of the site and its characteristics, there is no issue with the use of contemporary design and materials however they have to be based on an understanding of local characteristics.

The area is characterised by residential developments and therefore a residential use would be acceptable. The existing garages in question are not used for commercial purposes but were constructed for the residents at the neighbouring flatted development at Sherwood Court. Currently, the garage space does not fall under the ownership of the residents at Sherwood Court, as confirmed by evidence submitted by the applicant.

The pattern of development on this section of the street is predominantly comprised of buildings at the front of the road, albeit of differing designs due to various alterations, and private residential gardens to the rear.

The character and appearance of the proposed dwelling is noted to replace single storey garages which would notably alter the character of this part of Torrington Grove. The proposed dwelling is noted to maintain the front building line of the neighbouring properties along Torrington Grove and would be built to the front of the site, with provision of a private garden to the rear of the property.

The application is noted to include the provision for a family house in a sustainable residential location. However, any redevelopment of the site will need to accord with both national and local planning policies, including supplementary planning guidance.

With regards to the design and layout of the development, it is considered that considerations of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development. Higher densities should not be achieved at the expense of good quality design or the amenity of the surrounding area.

It is considered that the separation maintained between the amended proposed development and the neighbouring sites is consistent with the street and would not harmfully reduce the visual separation and visibility between properties so as to result in harmful impact on character grounds. In addition, the proposed front building line is noted to be consistent with other properties on Torrington Grove with front private amenity space

fronting the public pathway and the front white render of Sherwood Court would harmonise well with the proposed materials on the proposed dwelling whilst introducing brick detailing to provide a suitable level of variation on the front façade. This is considered to be consistent with The London Plan (2021) which advocates a sympathetic blend of contextually similar and contemporary styles. As such, the proposal is considered to reflect the established character of the streetscene and wider area whilst introducing design and materials which are already seen in the wider area.

Also, the proposed development is noted to sympathetically following the building line of the neighbouring properties relative to the declining gradient exhibited at Torrington Grove. It is noted that the proposed dwelling appears approximately 0.3 metres taller than the neighbouring dwelling of No.6 Torrington Grove so it is not considered to appear overly dominant or bulky in the streetscene. Alongside this, the two-storey element of the property would be set back from the ground floor element by approximately 0.8 metres, thus setting back and acceptably mitigating the prominence of the structure to avoid appearing harmfully bulky and dominant in the area. Further to this, the proposed flat roofed element would correspond with Sherwood Court and given its relatively minimal scale would not appear conflicting within the surrounding form of development.

The proposed front landscaping is considered to introduce a soft boundary to separate public and private realms and is considered to introduce an attractive and verdant feature within the character of the streetscene and wider area. It is noted the small boundary hedges are also seen at Nos 6, 11, and 15 Torrington Grove so this element is considered appropriate.

As such, it is considered that the proposed development would be acceptable in respect of the character and appearance of the host site, street scene and wider locality and complies with the policies and expectations outlined in Policy DM01.

Impact on the amenities of neighbouring occupiers

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Any development, particularly on a constrained site should ensure that the amenities of neighbouring occupiers are respected. The Residential Design Guidance SPD advocates that there should be a distance of 10.5 metres between a new development and a neighbouring garden; careful consideration should be given to the siting of the building on the plot. In addition, any proposal should retain a distance of 21 metres between habitable windows. The furthestmost rear wall of the proposed dwelling is noted to be positioned 3.4 metres from the rear boundary. Relative to Flats 3 and 4 at 134 Friern Park, the site is separated by an access road of 2.5 metres. This is noted to conflict with the above guidance. However, the first floor rear facing Bedroom 3 would benefit from a narrow window which is suitably distanced from the neighbouring residents to avoid creating a harmful sense of overlooking. Further to this, with the main body of Nos 3 and 4 being distanced 6.6 metres from the closest boundary line the neighbouring residents are not considered to experience a harmful level of enclosure or outlook that would warrant the application for refusal.

With regards to the neighbouring residents at Sherwood Court, the first-floor of the

dwelling is located at a distance of 4.45m. This distance is considered to mitigate the impact on outlook and enclosure for the existing neighbouring residents. Alongside this, no first-floor habitable side windows (which are not obscure glazed) are proposed at the property so no opportunity for overlooking is considered to take place.

With regards to No.6 Torrington Grove, the proposed dwelling would not unacceptably project beyond the neighbouring front and rear walls and the proposal would only exceed the height of No.6 by approximately 0.3 metres so would not appear harmfully dominant relative to the neighbouring residents. The proposal is noted to be distanced 0.6 metres from the adjoining boundary, but No.6 is distanced approximately 2.3 metres from the boundary which is considered acceptable to offset the impact of the overall bulk and massing of the property. Bedroom 3 would be serviced with a first-floor window on the side elevation but would be high level and obscure glazed to avoid overlooking and privacy concerns.

As such, it is considered the proposed development would result in an acceptable impact to the existing residents in the nearby surrounding area and is therefore compliant with policy DM01 of Barnet's Local Plan.

Provision of suitable accommodation for future occupiers;

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy".

In addition to this, section 2.4 of the SPD for sustainable design and construction states that "the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".

Space standards:

The proposed development involves the creation of a single family dwellinghouse containing 3no. bedrooms.

In accordance with policy D6 of the London Plan (2021) the proposed development should be of a high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose. Housing developments are required to meet the minimum standards of the London Plan.

The proposed development provides 96.59sqm of internal floor space. With the requirement being 93sqm the proposal meets this expectation.

The proposed 1x double and 2x single bedrooms would exceed the GIA requirement and satisfy the required width as mentioned above.

Floor to Ceiling Height:

The London Plan 2021 states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling. The proposed internal height from floor level to ceiling would be 2.5 metres at both ground and first floor levels, thus satisfying the above requirement.

Outdoor Amenity Space:

The Sustainable Design Construction SPD highlighted the importance of good quality amenity space. Section 2.31 highlights that 'outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough. Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers.

Barnet's Residential Design Guidance (2016) states that a habitable room is defined as the following:

"A room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13m² (including fittings), or the dining space if it is divided from the working area by a moveable partition. Rooms exceeding 20m² will be counted as two."

According to this definition, the living area (27.8sqm) is the only habitable room which exceeds the minimum floor area as stated above. As such, the proposed dwelling benefits from 5 habitable rooms. According to the outdoor amenity space standard as laid out in Table 2.3 of Barnet's Sustainable Design and Construction SPD the dwelling must provide 55m² of space. Excluding the narrow garden space to the right flank the application proposes 58.23sqm which meets the above requirement.

It is noted the Police Design Out Crime officer advised the relocation of the cycle store to the rear portion of the rear amenity space to be placed in a secure shed. This is to protect the residents from burglary from the sides and rear of the proposed property. The officer continues to state that: 'By placing a lockable garden shed with either a Sheffield stand incorporated or secure cycle anchors within, the lockable shed then provides a further line of defence and further delays an offender. This shed is also in better view by the future residents, than as currently located out of view at the side of the building.

Notwithstanding the requirement to install the cycle storage within a secure unit, the relocation of the unit to the rear garden would in this instance not be suitable as it would reduce the amount of outdoor amenity space at the site. As such, its existing location is considered appropriate. Details of the design can be secured by condition.

Lighting:

Barnet Councils Sustainable Design and Construction SPD under section 2.4 'Daylight, Privacy (minimum distance), Outlook and Light Pollution' highlights the need for development proposals to ensure that the availability of daylight/sunlight for new developments is adequate and contributes significantly to the quality of life of future occupiers.

Within the design principles section, the SPD highlights that all glazing to habitable rooms should normally not be less than 20% of the internal floor area of the room.

Overall, it is considered the proposed lighting would be acceptable, positively contributing to the amenity of future occupiers.

Outlook:

The London Plan Housing Supplementary Planning Guidance notes that units should demonstrate that all habitable rooms and the kitchens are provided with adequate privacy and daylight and that the orientation enhances amenity, including views. Furthermore, the Mayors Housing Supplementary Planning Guidance outlines that units must demonstrate that adequate privacy, daylight and orientation including views are adequate for habitable rooms.

The proposed outlook is considered acceptable.

Overall, the proposed development is considered to provide an acceptable standard of accommodation for the future residents.

Traffic, parking, cycle parking and refuse/recycling

The Highways department finds the proposed development to be acceptable, subject to conditions and informatives.

Accessibility and Sustainability

Conditions would be attached to any permission to ensure the integration of water saving and efficiency measures insofar as a maximum of 105 litres of water consumption per person per day to comply with Policy S1 5 of the London Plan (2021) and a reduction of CO2 emissions in accordance with the requirements of Policy SI 2 of the London Plan (2021).

5.4 Response to Public Consultation

Consultation letters were sent to 84 neighbouring properties

8no objections was received. The comments may be summarised as follows:

- Overdevelopment and overcrowded nature of the plot
- The intersection of the Friern Park / Torrington Grove is already overbuilt / overpopulated
- Architectural style would harm the character of the area

The scheme has been amended to create an acceptable character impact. The flat roofed nature of the roof is noted to be similar to Sherwood Court and is considered sympathetic. Please see the main body of the report for further detail.

- Restricted parking spaces for residents at Sherwood Court
- Increased congestion

The Highways department finds the impact to be acceptable, subject to further information

being submitted by condition.

- Overlooking
- Loss of privacy
- Loss of light

The impact to the neighbouring residents is considered acceptable, as addressed in the report.

- Disruption from the construction process along Friern Park
- Noise pollution

This is not a material consideration to be assessed under this planning application.

- Detrimental impact on the environment.
- A tree has been removed near the boundary with No.6 Torrington Grove. Evidence of this tree is available on Google Street View
- Incorrect information in the submitted document
- Loss of trees

The LPA acknowledges this and notes that this was completed prior to the submission of the application. Landscaping improvement measures are a condition of the approval of the scheme.

- Need to reposition existing bins

Sherwood Court is noted to benefit from sufficient space to accommodate for the existing bins.

- Proposal conflicts with lease agreement for residents at Sherwood Court

The LPA acknowledges this. However, details relating to the new ownership of the site in question was submitted and there is no planning reason to withhold consent in relation to land ownership issues.

Following receipt of amendments, a 14 day reconsultation was issued to residents on the 16th May. 4no additional objections were received in this period and may be summarised as follows:

- Amended drawings fail to address concerns of residents, namely relating to the conflicting nature of the existing residents leases and the proposed use of the site.
- Loss of outdoor amenity space.

The LPA acknowledges this concern. However, with the site being owned by a different party, the leaseholders do not have a legal authority over the land in question.

- No relocation for the bins that serve Sherwood Court

Sufficient space is noted to be available on site to accommodate for the bins

- Proposed extension of existing crossover reduces on-street parking capacity
- Increased parking pressure

The Highways department finds the scheme to be acceptable.

- Air pollution

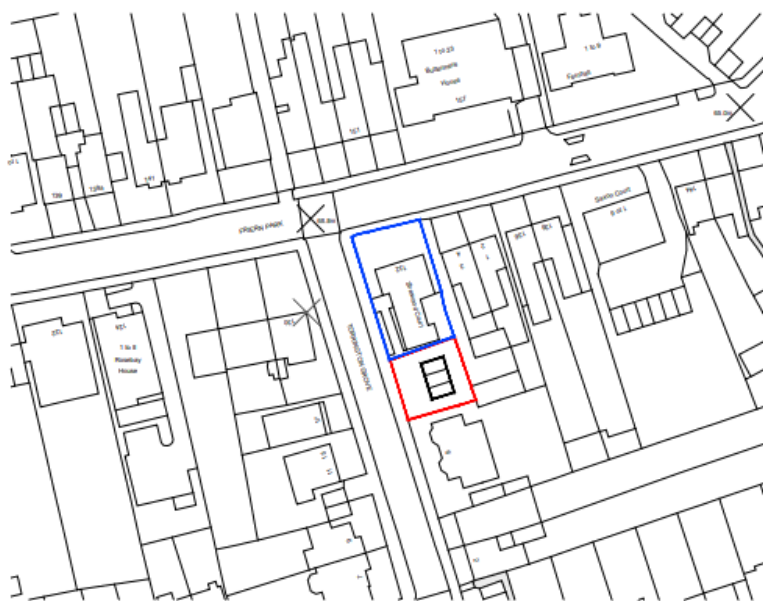
Environmental Health have raised no objections to the application subject to further information being submitted by way of condition.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, the proposed development is acceptable and is hereby APPROVED, subject to conditions.



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LOCATION PLAN

SCALE 1:1250@A4

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Location 26 Renters Avenue London NW4 3RB

Reference: 22/2472/FUL

Received: 9th May 2022

AGENDA ITEM 8

Accepted: 9th May 2022

Ward: Hendon

Expiry 4th July 2022

Case Officer: Emily Bell

Applicant: C/O UPP Architects + Town Planners

Proposal: Conversion of the existing dwelling into 4no. self-contained flats including, Part single, part two storey side and rear extension and conversion of the existing garage. Roof alterations including side and rear dormers and raising of the eaves. Associated refuse/recycling, amenity space, cycle storage and off-street parking

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

026RE-A-03-002
026RE-A-01-001
026RE-A-01-002
026RE-A-02-001
026RE-A-02-002
026RE-A-03-001
026RE-A-03-003
026RE-A-03-004
026RE-A-05-001
026RE-A-05-002
026RE-A-06-001
026RE-A-06-002
026RE-A-06-003
026RE-A-06-004
026RE-A-01-001 REV 2

026RE-A-01-002 REV 2
026RE-A-02-101 REV 1
026RE-A-02-102 REV 1
026RE-A-02-103
026RE-A-03-101 REV 1
026RE-A-03-102 REV 1
026RE-A-03-103 REV 2
026RE-A-03-106 REV 2
026RE-A-05-101 REV 2
026RE-A-05-102 REV 2
026RE-A-06-101 REV 2
026RE-A-06-102 REV 2
026RE-A-06-103 REV 2
026RE-A-06-104 REV 2

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s) unless otherwise specified in the approved plans and documents

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The roof of the extensions hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 5 Before the building hereby permitted is first occupied the proposed dormer windows in the flank elevation facing No 24 Renters Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 6 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 7 Before the development hereby permitted is first occupied, the rear amenity area shall be sub-divided in accordance with the details shown on approved plans Drg No 026RE-A-01-002 REV 2 and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD (2016)

- 8 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 9 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the wholesome water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 10 Prior to occupation of the development the proposed parking spaces within the parking area as shown in drawing no.026RE-A-01-002 REV 2 submitted with the planning application and the corresponding access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 11 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy T5 and Table 10.2 of the London Plan (2021) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 12 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

- 4 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.2 meters.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

- 5 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 6 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 7 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 8 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.

- 9 Any gates must open inwards and not out onto the public highway for health and safety reasons.

OFFICER'S ASSESSMENT

1. Site Description

The subject site is located at 26 Renters Avenue, NW4 3RB, consisting of a two storey detached dwelling located on the corner of Renters Avenue at the junction with Cheyne Walk. The property has previously been extended by way of a two storey side extension with a flat roof. There is also a detached garage set back from the main dwelling with side elevation running along Cheyne Walk.

The area surrounding the site is predominantly residential consisting of detached and semi-detached dwellings.

The property is not listed and is not located within a conservation area.

2. Site History

Reference: W14192A/07

Address: 26 Renters Avenue, London, NW4 3RB

Decision: Refused

Decision Date: 18 December 2007

Description: Two storey front extension and first floor rear extension. Extensions to roof including side and rear dormer windows to facilitate a loft conversion.

Reference: W14192/05

Address: 26 Renters Avenue, London, NW4 3RB

Decision: Approved subject to conditions

Decision Date: 28 October 2005

Description: Two-storey front and first floor rear extension with new pitched roof over existing flat roof. New front porch. Single storey detached garage to the side.

Reference: W14192B/08

Address: 26 Renters Avenue, London, NW4 3RB

Decision: Approved subject to conditions

Decision Date: 2 May 2008

Description: Two storey front extension and first floor rear extension with new pitched roof over existing flats roof. Conversion of existing roof into habitable room area involving rear and side dormers.

3. Proposal

Conversion of the existing dwelling into 4no self-contained flats including, part single, part two storey side and rear extension and conversion of the existing garage. Associated refuse/recycling, amenity space, cycle storage and off-street parking.

The application has been amended during its lifetime.

4. Public Consultation

Consultation letters were sent to 45 neighbouring properties. A further re-consultation was undertaken to account for the receipt of amended plans and to reflect an updated description of the development. 23 objections have been received, including a petition comprising 16 of the total objections. The objections are summarised below:

- o The surrounding houses are family sized dwellings so the proposal is out of character
- o Development out of character which is substantially large family houses
- o Development into 2 family sized units would be more appropriate
- o Houses are either single family or two flats with ample size for a small family. This development creates small bedsits
- o This is a busy intersection and the development would add to this situation
- o The development will look out of place with Victorian properties in the area
- o Over development and over intensive use of the site
- o Proposed building is large and unsightly
- o Conversions on the street look like single family dwellings
- o No applications for conversions since 2012
- o Highly visible, prominent position in the streetscene
- o Roof extensions are overbearing, visually obtrusive
- o Would lead to parking stress
- o Coming and goings resulting from increased number of occupants resulting in increased noise
- o Building works, congestion and noise
- o Bins for refused disposal would be unsightly
- o Shared garden space for Units 3 and 4 would result in lack of privacy for future occupants
- o Greenhouse gas emissions
- o Proposal does not account for electric vehicle charging points, urban greening score or sustainable water management
- o Will lead to stretch on local services
- o Deterioration and quality of living if converted to flats
- o Privacy of neighbouring occupiers
- o Implications for foundations/structures of adjacent properties

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published on 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Relevant policies:

D3 and D4 - Good Design

D5 - Inclusive Design

D6 - Housing Quality and Standards

D7 - Accessible Housing

D12 - Fire safety

H2 - Small Sites

H12 - Housing Size mix

SI 2 Minimising Greenhouse Gas Emissions

T6.1 - Residential Car Parking

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low-density suburban housing with an attractive mixture of terrace, semidetached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

- States that privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of Development
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents
- Provision of adequate accommodation for future occupiers
- Highways and Parking
- Refuse and Recycling

5.3 Assessment of proposals

Principle of Development

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flatted developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Policy DM01 of Barnet's Local Plan Development Management Policies DPD 2012 (LP) states that proposals should be based on an understanding of local characteristics. Criterion h of the same policy states that the conversion of dwellings into flats in roads "characterised by houses" will not normally be appropriate.

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate.

A review of the locality reveals that a number of properties along Renters Avenue have been historically converted into flats, these include nos. 43, 51, 53, 63, 83, 85, 87, 87 and 91. Taking into consideration the existence of several other examples of subdivisions, the principle of flats in this location is acceptable subject to further considerations as set out below.

Impact of the proposal on the character and appearance of the area

Policy DM01 states, 'development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The NPPF attaches great importance to the design of the built environment, stating that, "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities" (para.124).

The proposal includes a ground floor extension measuring a maximum of 4 metres in depth. The Residential Design Guidance states that a depth of 4 metres is normally considered acceptable for a single storey rear extension on a detached dwelling and the proposal would comply with this guidance. A single storey infill extension is also proposed to connect the main dwelling with the existing detached garage. This infill extension is not considered to significantly impact on the character and appearance of the host property.

The Residential Design Guidance states that two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable as they can be too bulky and dominant. At first floor it is proposed to extend adjacent to the common boundary with no. 24 Renters Avenue by approximately 2.2 metres and to a maximum depth of 2.5 metres towards the flank elevation facing Cheyne Walk. This depth is considered to result in an acceptable addition which would not be overly bulky and is considered to be acceptable with regards to the character of the building.

A previous application was approved at the site (ref. W14192B/08) which included extensions to form two front bays as well as roof extensions. In this case, the ridge height of the extended roof did not rise above the level of the neighbouring property. Amended plans have been received throughout the lifetime of the application to include a reduction in the ridge height of the proposed building.

The previous application also permitted the addition of 2no dormers to the roof of the host site. It is proposed under the current application to include 3no dormers, one to each side elevation and one to the rear elevation. The proposed dormers have been amended throughout the lifetime of the application to include an increased set in from the eaves of the main roof. There are examples of dormer roof extensions within the surrounding area along Renters Avenue and Cheyne Walk and the proposed extensions are not considered to detract from the character of the host site or wider area.

Overall, the extensions to the building as amended are considered to be of an appropriate scale and would have an acceptable impact on the character and appearance of the host site and surrounding area.

Impact on the Amenities of Neighbours

Barnet policy DM01 requires new development to have due regard to the amenity of existing occupiers in neighbouring buildings.

The neighbouring property at no. 24 Renters Avenue benefits from a single storey rear extension. The proposed extensions to the host property at ground floor level would extend past this by approximately 1.3 metres which is considered to be an acceptable distance which would not result in detrimental impacts to light and outlook to the neighbouring property. The infill ground floor extension would not project deeper than the existing garage and would be concealed from view from the ground floor extension to the main dwelling.

At first floor the extension would project past the neighbouring property by approximately 1.3 metres with a distance of 1 metre between the flank walls of the host site and neighbouring property which is considered to have an acceptable impact on neighbour amenity. No windows are proposed within the flank elevation of the extension facing towards no. 24 and as such there are no concerns regarding overlooking or loss of privacy.

Due to the location of the host property on a corner site, there is not considered to be a detrimental impact to neighbouring occupiers opposite.

The roof extensions are not considered to have an overbearing impact on neighbouring properties. The plans indicate that the side dormer facing towards no. 24 Renters Avenue will be obscure glazed so as to protect the privacy of these neighbouring occupiers.

Whilst it is accepted that the scheme would result in additional comings and goings than the existing single family dwelling, it is considered that given the character of the surrounding properties, officers do not consider that the increase in occupancy level would result in an unacceptable level of harm to the amenity of the neighbouring occupiers that would warrant a refusal. Residential use is accepted on site and it is considered that there would be no significant additional impact on the residential amenities of the neighbouring occupiers as a result of the sub-division. Thus, it was found that the proposed development will have an acceptable impact to the neighbouring properties.

Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the Planning Authority expects a high standard of internal design and layout in new residential development to provide an adequate standard of accommodation. The London Plan and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The application will therefore be assessed according to the requirement laid out in the London Plan (2021).

The proposal would provide the following dwellings:

- Unit 1: 2 bed, 3 person unit with GIA of 67sqm
- Unit 2: 3 bed, 4 person unit with GIA of 77 sqm
- Unit 3: 2 bed, 3 person unit with GIA of 61sqm
- Unit 4: 1 bed, 2 person unit (duplex) with GIA of 61sqm

The London Plan sets a minimum Gross Internal Floor Area for flats based on a standard set for the number of bedrooms (b) and persons-bedspaces (p). A 1 bed, 2 person unit over 2 storeys requires 58sqm, a 2 bed, 3 person unit over 1 storey requires 61sqm and a 3 bed, 4 person unit over 1 storey requires 74 sqm.

Table 3.3: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

The proposed units would meet the minimum internal space standards as per the Sustainable Design and Construction SPD.

Policy DM01 states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

The proposed flats are considered to benefit from adequate light and outlook. The units to the ground floor level would be provided with private amenity space to the rear so as to ensure that privacy of future occupiers is maintained. All units would provide the requisite internal head height (2.5m for a minimum of 75% of the floorspace).

Stacking:

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if they lead to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures.

The proposed layout provides reasonable stacking throughout the property. In the event of an approval, a condition should be attached for Pre-Completion Sound Insulation Test Certificates to be submitted to the LPA.

Outdoor amenity space:

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room.

Unit 1 is provided with 32.6m² of private amenity space and Unit 2 is provide with 63.3m² of private amenity space. There is a further communal amenity space measuring 134.7sqm to the rear. This is considered to result in and provide an acceptable level of private outdoor amenity space for the future occupiers of the proposed flats.

Parking and highways

The applicant is proposing to convert the existing single family dwelling into self-contained units with the provision of 4 off-street car parking spaces. The site lies within a PTAL 3 zone, which means that there is moderate public transport accessibility to and from the site. In line with requirements on Policy DM17 of the Barnet Local Plan, the proposed provision of 4x off-street car parking spaces, 1 space per dwelling is deemed acceptable on highways grounds.

The applicant is proposing to retain the existing crossovers to property frontage and to create a new access to the rear of the property to access 2 further car parking spaces. All vehicular crossovers must be between 2.4-4.2m wide in order to safely accommodate access from the public highway. The applicant is advised that an application must be made to the highway domestic crossovers department prior to the commencement of works.

Cycle parking needs to be provided in accordance with the requirement of the London Plan Cycle parking standards. For this proposal 8x cycle parking spaces are required. Details of this can be secured by way of a condition.

The application is recommended for approval on highways grounds, subject to conditions.

Accessibility and Sustainability

Conditions would be attached to any permission to ensure the integration of water saving and efficiency measures insofar as a maximum of 105 litres of water consumption per

person per day to comply with Policy SI 5 of the London Plan (2021) and a reduction of CO2 emissions over Part L of the 2013 Building Regulations in accordance with the requirements of Policy SI 2 of the London Plan (2021)

5.4 Response to Public Consultation

- o Development out of character which is substantially large family houses
- o The surrounding houses are family sized dwellings so the proposal is out of character

As discussed within the main body of the report, a review of the locality reveals that a number of properties along Renters Avenue have been historically converted into flats.

- o Houses are either single family or two flats with ample size for a small family. This development creates small bedsits
- o Development into 2 family sized units would be more appropriate

The proposed development would provide a 3 bed family sized unit on the ground floor. The remaining units would contribute to providing a mix of housing types within the Borough.

- o Will lead to stretch on local services

It is not considered that the addition of the proposed flats would significantly impact the local amenities to an extent that would warrant refusal of the application. The development would also be CIL liable, meaning a contribution towards community infrastructure would be required.

- o Deterioration and quality of living if converted to flats

Decisions are based on the assumption that residents would act in a sensible and responsible manner. Notwithstanding, there is nothing before the council to substantiate increased risks of neglect as a result of the proposal.

- o Implications for parking

Highways officers have reviewed the application and are satisfied that the proposal would have an acceptable impact.

- o Privacy of neighbouring occupiers

This has been discussed within the main body of the report.

- o Implications for foundations/structures of adjacent properties

Details regarding foundations/structure will be dealt with under building control legislation. The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme.

- o Noise associated with more households

This has been discussed within the main body of the report.

- o Impact of construction/building works

This is not a material planning consideration.

- o Safety risk of bin placement
- o Bins for refused disposal would be unsightly

Highways and waste collection teams have reviewed the application and raised no objections to the placement of the refuse stores. More details will be secured by way of a condition.

The plans indicate that the refuse bins will be contained within a screened enclosure, however, a condition has been added to ensure further details of this are submitted to the LPA for review.

- o Roof extensions are overbearing, visually obtrusive
- o The development will look out of place with Victorian properties in the area
- o Over development and over intensive use of the site
- o Proposed building is large and unsightly
- o Highly visible, prominent position in the streetscene

The roof extensions have been amended throughout the lifetime of the application and are considered to be appropriate additions. Further, the overall height of the proposed building has been amended to ensure that the building is no higher than the neighbouring property. Overall, the extensions to the building as amended are considered to be of an appropriate scale and would have an acceptable impact on the character and appearance of the host site and surrounding area. The impacts of the proposed works on the character and appearance of the host site and wider area have been discussed in more detail in the main body of the report.

- o Conversions on the street look like single family dwellings

The proposal has been designed to ensure that the principal elevation of the property retains the appearance of a detached single family dwelling house through the use of a single front door entrance in a centralised location.

- o No applications for conversions since 2012

There are examples of applications for conversions of houses along Renters Avenue including no. 4 (ref. 15/02766/FUL) and no. 33 (ref. 21/6455/FUL). Although the latter application was refused, within the officer report the principle of the conversion into flats was found acceptable and this did not form a reason for refusal. Further, although there are few applications in recent years, each application is decided on its own merits. It is considered that, as set out in the report, the nature of Renters Avenue is a mix of single family dwellings and conversions. A review of the locality reveals that a number of properties along Renters Avenue have been historically converted into flats.

- o Shared garden does not allow for privacy

Units 1 and 2 on the ground floor have been allocated private amenity space to ensure no overlooking into windows. Communal garden space is common design feature of flat conversions.

- o Greenhouse gas emissions

A condition will be attached to any consent requiring the development to be constructed incorporating carbon dioxide emission reduction measures.

- o Proposal does not account for electric vehicle charging points, urban greening score or sustainable water management

A condition is to be applied to ensure that the new dwellings are constructed to include water saving measures that comply with Building Regulations. Highways officers reviewed the proposals and raised no objection to a lack of electric vehicle charging points. The London Plan 2021 states that the Urban Greening Factor is currently only applied to major applications and therefore would not be imposed in this case.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an acceptable impact on the character and appearance of the application site and the general locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.



Location 11A Long Lane London N3 2PR

Reference: 22/1108/FUL

Received: 1st March 2022

Accepted: 1st March 2022

Ward: West Finchley

Expiry 26th April 2022

AGENDA ITEM 9

Case Officer: Will Collier

Applicant: Mr Aron Baum

Proposal: Conversion of existing 4 bed maisonette to create 6 room House in Multiple Occupation (HMO) for up to 6 people (C4)

OFFICER'S RECOMMENDATION

Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. Contribution of £2,392.01 is required towards the amendment of the Traffic Management Order. Monitoring contribution of 5% of total financial contributions, which is £119.60

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

E00

E 01

E 02

E 03

E 04

E 05

P 01

P 02

P 03

P 04

P 05

Site Location Plan

Planning Statement

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The House of Multiple Occupation hereby approved must be occupied by no more than 6 (six) persons at any time, as specified on the hereby approved plans.

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 4 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 5 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

- 6 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31.05.2023, unless otherwise agreed in writing, the

Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a legal agreement to amend the traffic order. The proposal would therefore not address the impacts of the development, contrary to Policy CS9 of Barnet's Core Strategy DPD (2012) and Policy DM17 of the Barnet's Adopted Development Management Policies Document DPD (2012).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

OFFICER'S ASSESSMENT

1. Site Description

The application site concerns a large two storey mid-terrace maisonette (4 bedrooms) above a restaurant within a town centre location, on the north east side of Long Lane, close to the junction with Ballards Lane. Access to the flat is through a small unnamed road at the rear. Many of the upper floors along this row of shops are in residential use. The property has a PTAL rating of 4.

2. Site History

No planning history.

3. Proposal

This application is for the conversion of a 4 bedroom maisonette at the above address into a 6 bedroom HMO (C4) for up to 6 people. The flat is currently laid out with 4 bedrooms and a small living space. The proposal would provide 3 single bedrooms and a kitchen on each floor. Access would remain as existing and there would be no external changes to the appearance of the property.

4. Public Consultation

Consultation letters were sent to 117 neighbouring properties and a site notice was displayed on 10th March 2022.

Eight objections have been received. The issues raised among the objections are summarised in the following bullet points:

- o Loss of single family dwelling
- o No indication that bedrooms are for single people.
- o Inadequate living conditions
- o Insufficient parking
- o Congestion
- o No space for refuse.
- o Fire hazard as no alternative access.
- o Anti-social behaviour
- o Noise disturbance from construction
- o Over-intensification of use
- o Lack of amenity space
- o Too many HMOs in the area
- o Personal safety
- o Ground floor uses are too noisy

Internal consultations:

Highways - no objections subject to a S106 agreement to remove property from CPZ register. Further comments are incorporated into the highways section of the report.

HMO/Private Housing - no objections subject to compliance with building regulations.

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published on 20th July

2021. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM09, DM17

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle / character
- Whether harm would be caused to the living conditions of neighbouring residents.
- Compliance with HMO standards
- Highway safety and parking.

5.3 Assessment of proposals

- Principle of the development:

A larger House in Multiple Occupation (HMO) is a dwelling in which over six unrelated people (separate householders; unrelated to each other) share communal facilities such as bathrooms, kitchens and living rooms, with potentially greater associated impacts than a smaller Use Class C4 HMO.

The Borough has an attractive and high-quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

Policy DM09 part a) states that "Proposals for new HMO will be encouraged provided that they meet an identified need, can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area, are easily accessible by public transport, cycling and walking and meet the relevant standards for HMO."

In terms of accessibility, the site is located within a PTAL 4 zone, which means that there is good public transport accessibility to and from the site.

The Council recognises that flatted developments and HMOs can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

The applicant has provided a letter from an estate agent about the demand for HMOs in the area. Demand for units is not the same as need, nevertheless, the letter is accepted as

sufficient evidence, given the town centre location.

The National Planning Policy Framework indicates that the character of an area is made up of much more than its physical appearance but includes how it functions and contributes to local identity and sense of place.

Following research of the area, it has been identified that a considerable number of properties along Long Lane have been converted from single family dwellings to flatted development and HMOs. It is therefore considered that the principle of the conversion may be supported. The proposal would result in the loss of a property that provides family sized accommodation, however given the varying styles of property, the character of the area is considered to be of a mixed residential nature and the proposal would not prejudice the objectives of Policy DM01 of the Local Plan in relation to the loss of single family units. Therefore, the council can agree the principle of the proposed conversion subject to general conformity with relevant plan policies and on consideration of all other material matters relating to this proposal.

- Character and visual impact;

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D3-D6 of the London Plan 2021.

There would be no external changes to the property. No details of cycle or refuse storage have been provided but could be secured via condition.

- Whether harm would be caused to the living conditions of neighbouring residents.

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

HMOs can involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of additional refuse facilities and more people movements and more deliveries, that can have an unacceptable impact on the established character of an area. The use of the property by a large number of separate households is likely, on the basis of the criteria identified above, to change the character of the street due to the level of intensification above and beyond properties which are in single family occupation or have been converted into flats.

The introduction of an Article 4 for smaller HMOs across the borough is recognition that HMOs need to be controlled and their proliferation can be harmful to more permanent residential character. The use of the property by a large number of separate households is likely, on the basis of the criteria identified above, to change the character of the street and to undermine the more permanent residential nature afforded by single dwelling houses and purpose-built flats.

The proposed plans show that the HMO would have 6 bedrooms for up to 6 people. The building was previously used as a 4 bed maisonette above a shop. With no ground floor entrance nor amenity space, it is considered likely the maisonette would have suited rental

by unrelated households. Its conversion to a small HMO of up to 6 persons is not therefore considered to result in a significant material change in the use of the property. It should also be noted that a property very nearby was also granted planning permission recently for conversion from a maisonette to a small HMO (ref 21/2394/FUL) at 7A Long Lane.

Taking the above considerations into account along with the town centre location close to public transport and within a mixed use context, the proposal is not considered to cause a significant adverse impact on neighbouring properties.

- Whether the scheme complies with HMO standards.

On conversions, the Residential Design Guidance states that subdivision requires careful consideration of the layout of each unit and the size and features of the rooms, so that the proximity of the new units to each other does not cause their occupants or neighbours undue disturbance.

In terms of internal standards, the Council uses the Barnet HMO Standards (2016) as a guide. Whilst not an adopted planning document, it is used as an effective measure of internal space and facility standard that contribute to the adopted Local Plan requirements to "meet the relevant housing standards for HMOs (Policy DM09)."

This is also in accordance with the approach advocated in the Mayors Housing Supplementary Planning Guidance (adopted March 2016) under paragraph 3.5.1 states that LPAs should ensure "...schemes are of good quality and meet all relevant Housing Act and HMO standards and requirements."

The Adopted Standards for Houses in Multiple Occupation with regard to its internal floorspace and layout, paragraph 2.1 states 'where there are five or more occupiers each separate household shall, where practicable, be provided with a wash hand basin'. Para. 2.2 states that 'each separate occupancy shall, where practicable, be provided with its own readily accessible bath or shower room of adequate size with sufficient space for drying and changing'.

The development meets these requirements as each room shown on the proposed floor plans would have its own ensuite.

Paragraph 4.1.1 stipulates that "Each household shall, where practicable, have its own kitchen separate from and being not more than one floor distant from the sleeping room or within the unit of accommodation".

This test would be met, with two kitchens on separate floors.

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that 'Outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough'. There is no amenity space for the existing maisonette and given the proposed use and town centre location, this is considered acceptable.

Table 2.4 from Barnet Residential Standards states that Bedrooms should have a reasonable outlook with clear glazed windows. All bedrooms comply, confirmed in the Housing HMO feedback.

- Highways.

The site lies within a PTAL 4 zone which means there is above average public transport accessibility to and from the site.

In line with requirements set out in Policy DM17 of the Barnet Local Plan, the required off-street car parking provision is 1 space, taking the existing use requirement into account.

The applicant has not provided justification for the under-provision of off-street car parking and therefore, the results of an on-street Car Parking Survey carried in accordance with the Lambeth Methodology will be required to demonstrate whether there is sufficient availability on surrounding streets to accommodate the potential over-spill.

The applicant has agreed to forgo the need to provide a street parking survey by entering into a S106 agreement to remove the property from the register of properties eligible for residents parking permits within the Controlled Parking Zone, as mitigation for the lack of off street parking. This is considered acceptable.

5.4 Response to Public Consultation

Responses to material considerations raised in objections have been addressed in the report.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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Location **8 Parkside Gardens Barnet EN4 8JP**

Reference: **22/5139/HSE**

Received: 19th October 2022

Accepted: 20th October 2022

Ward: Brunswick Park

Expiry: 15th December 2022

AGENDA ITEM 10

Case Officer: **Asha Chhabhaiya**

Applicant: Mr Rasul Nasser

Proposal: Two storey side and single storey rear extension and front porch

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Plans: 01A

Elevations: 02B

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 5 Before the building hereby permitted is first occupied the proposed windows in the side elevation facing No 9 Parkside Gardens shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation of the extensions hereby approved, facing No 9 Parkside Gardens

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

OFFICER'S ASSESSMENT

1. Site Description

The application site is a two storey semi-detached property located to the south of Parkside Gardens, facing Oak Hill Park. Adjacent to the site is a gated communal accessway. The application site is not within a conservation area and is not a listed building.

2. Site History

N/A

3. Proposal

The applicant seeks permission for a two storey side and single storey rear extension following demolition of the existing outbuilding.

The single storey rear extension spans the width of the dwelling with a pitched roof and is proposed to be 3.4m (depth) x 8.7m (width) x 2.6m (eaves) and 3.5m (maximum height).

The two-storey side extension is proposed to be: 11m (depth at ground floor level) when added to the proposed rear extension x 2.8m (width) x 5.2m (eaves) - 8.0m (maximum height). It is 3.7m from the boundary with no.9 due to the intervening access road. The footprint of the proposed first-floor measures 6.4m (depth) - being set back 1.1m from the front and not extending beyond the rear elevation.

The front porch would measure 1.1m in depth, 2m in width, 2.3m to eaves height and 3.1m in maximum height.

4. Public Consultation

Consultation letters were sent to 8no neighbouring properties.

5no responses were received which were in objection to the proposal. The comments can be summarised as:

- Loft extension, presumably as a "permitted development".
- Two-storey side extension with a gable-end roof would result in an overbearing mass,
- Out of character
- The roof ridge line would be double that of the original house.
- A single-storey side extension would be more in keeping
- Compromise could perhaps be for the proposed two-storey extension's roof to have a hipend instead
- Overly large and overbearing
- Size of the porch is also not consistent
- Negative impact on neighbouring amenity
- The proposed addition of a 2-storey side extension is simply not necessary
- Destroying the openness

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published on 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible and to promote sustainable growth.

The NPPF states that "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...being clear about design expectations and how these will be tested, is essential for achieving this". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to

minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (Reg 22) 2022

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. The SPD states that large areas of Barnet are characterised by relatively low-density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Impact of the proposal on the character and appearance of the building, the street scene and the wider area

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The property benefits from an existing side garage which is flush with the front building line and extends back 5.1m in depth. This side element would be re-developed to form a wrap-around extension across the width of the site to the rear.

The single storey rear extension element proposes a maximum depth of 3.5m. The Residential Design Guidance stipulates that a depth of 3.5 metres is considered acceptable for a single storey rear extension on a semi-detached dwellinghouse, thus, it is noted that the proposal is in compliance with this Guidance. In addition to this, the extension would match the depth of the existing outrigger to the host property and the attached neighbouring property, therefore remaining within the preserve of the local character. The side extension, being less than half the width of the house and therefore being considered to be a sympathetic addition to the host dwelling, is also consistent with the expectation of the SPD.

The first floor side extension is to be built on top of this structure to the same depth as the existing house. The neighbouring property is set away for the boundary due to the intervening access road, thus maintaining the visual separation between the host site and the neighbouring dwelling in the street scene - which is in line with Barnet's Residential Design Guidance.

The two-storey side has a gable roof (to match the existing gable roof) and is set down from the main ridge of the roof and set back by 1m from the front building line. This design is considered to achieve the required element of subordination for a two-storey side extension.

The proposed porch will extend a further 0.6m than what is in situ. This is considered to be negligible in depth and together with its siting, design and modest height, would not result in an adverse impact on the character and appearance of the host property or the street scene.

In addition to this, the extensions would be of materials to match and proposed windows to the front and rear elevations would have a similar outlook and appearance as the existing windows. As such, it is considered that the side and rear extension would be commensurate in scale and design with the host property, the surrounding area and the expectations of Policy DM01.

Impact of the proposal on the amenities of neighbours

Following the assessment of the wider character and amenity of the area, any potential adverse effects on neighbouring properties must be assessed. Policy DM01 notes that any proposed development must protect the amenity of neighbouring properties including any potential impact on light, outlook and privacy.

No.7 Parkside gardens is the attached property. The single-storey rear extension is proposed to run along the shared boundary for 3.5m in depth. This is in accordance with the expectation of the SPD and there is a corresponding extension straddling the boundary. The lean-to roof with a height at 2.6m -3.5m will similarly not therefore be overbearing for this property - reducing outlook significantly or causing overshadowing of the habitable rooms. The two-storey additions are on the far side and will not be able to be viewed from this property.

No. 9 Parkside Gardens is the non-attached neighbour. The existing relationship is that the host property sits some 3.7m away from this property. The two-storey side extension adds an additional storey to the host property. Whilst the proposal will increase the height of the existing flank wall of the host site, it will not be constructed higher than the existing dwelling against which it would be read.

There are no principal windows in the side elevation of No 9, though there are roof lights to the ground floor side extension. The two storey element would also not project beyond the rear of No 9. As such - and given the separation distance - it is not considered that the proposal would give rise to an undue loss of outlook or increase in overshadowing.

In order to prevent any potential for overlooking via the opposing roof lights, a condition is proposed to obscure the windows in the flank elevation and to prevent further windows.

The proposed porch will extend a further 0.6m than what is in situ. This is considered to be negligible in depth and together with its siting and modest height, would not result in an adverse impact to either neighbour.

For these reasons it is considered the proposed extensions would not harm the amenity of neighbouring occupiers and remains consistent with the expectations of Policy DM01.

5.4 Response to Public Consultation

Loft extension, presumably as a "permitted development". The loft conversion can be done under permitted development without submitting an application to the LPA.

Two-storey side extension with a gable-end roof would result in an overbearing mass, out of character, overly large and overbearing, Size of the porch is also not consistent, negative impact on neighbouring amenity, destroying the openness Addressed in the main body of report.

The roof ridge line would be double that of the original house. This is incorrect with regard to the plans submitted

A single-storey side extension would be more in keeping The LPA can only determine the application as made

Compromise could perhaps be for the proposed two-storey extension's roof to have a hip-end instead The proposed roof reflects the gable end in situ

The proposed addition of a 2-storey side extension is simply not necessary The LPA can not assess the necessity of the proposal and must determine the application as made

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL



Location	A1000 High Road, Junction With Bedford Road To The North And Brompton Grove To The South, N2 8AQ	
		AGENDA ITEM 11
Reference:	21/0673/ADV	Received: 8th February 2021 Accepted: 8th February 2021
Ward:	East Finchley	Expiry 5th April 2021
Case Officer:	Andrew Turner	
Applicant:	Miss Lizzie Miller	
Proposal:	Installation of up to 24no PVC lamppost banners	

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing with Banner Dimensions: Banner size W:785mm, H: 2200mm, D: 785mm, LBM: 2800mm

Banner Visuals: Locations: Barnet 2016, Camden, Hammersmith & Fulham Method Statement, Method Statement for Lamppost Mounted Banner Installations, version 3.8, dated January 2014, produced by Bay Media

Site location plan V2 showing 24 locations

Site Maps, A1000 High Road [1 of 3], Site Information x, X24 Sites, produced by Bay Media

Site Maps, A1000 High Road [2 of 3], Site Information x, X24 Sites, produced by Bay Media

Site Maps, A1000 High Road [3 of 3], Site Information x, X24 Sites, produced by

Bay Media

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 The period of consent shall be a period of five years commencing with the date of this decision.

Reason: To comply with Regulation 14(7) of Part 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 3 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 4 Where an advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity and shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5 No advertisement shall be sited or displayed so as to endanger persons using the highway, obscure or hinder the ready interpretation of any road traffic sign, or obscure or hinder the operation of any device used for the purpose of security or surveillance.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 6 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 7 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site, to the reasonable satisfaction of the Local Planning Authority.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

OFFICER'S ASSESSMENT

1. Site Description

The application site relates to several lampposts which run along A1000 High Road in East Finchley. They would be located from just south of Bedford Road along A1000 High Road to East Finchley Tube Station (west side) and Brompton Grove (east side).

The site is not in a conservation area. There are two statutorily listed buildings along this stretch of the A1000 High Road: East Finchley Station is a Grade II listed building (listing reference 199225) and the Phoenix cinema which is a Grade II listed building (listing reference 1385096) . However there are a number of locally listed buildings along that stretch of the A1000 High Road. Details of which locally listed buildings will be most directly impacted will be considered in the appraisal section of this report.

The site is located within the East Finchley Town Centre.

2. Relevant Planning History

Although there is no relevant planning history for the area covered by this planning application, there have been other similar applications along the A1000 High Road:

Application reference: 21/0668/ADV
Address: High Road Through Oakleigh, London, N20 9BH
Description: Installation of up to 20no PVC lamppost banners
Decision: Withdrawn
Decision date: 02/09/2021

Application Reference: 21/1209/ADV
Address: The High Road Into Ballards Lane, N12 8QR
Description: Installation of up to 21no PVC lamppost banners [amended]
Decision: Approved subject to conditions
Decision Date: 10/08/2021

The most northern most point of the application site is approximately 1.58 miles north of the most southerly point of the approved scheme (ref. 21/1209/ADV) from point to point (or 1.6 miles travelling along the street).

3. Proposal

The applicant has submitted for advertisement consent to attach up to 24no PVC banners to lampposts along A1000 High Road. The banners are located from Bedford Road to the north to Brompton Grove to the south. During the lifetime of the application, officers sought amendments to reduce the number of PCV banners from 31no to 24no. This was to avoid having the banners being located outside of the East Finchley Town Centre or outside the statutorily listed buildings of East Finchley Library, East Finchley Station including Platforms and the Phoenix Cinema.

The PVC banners would be sited 2.8m above ground level, with a width of 0.785m and height of 2.2m.

4. Consultation

No consultation is necessary for applications for advertisement consent. However, two objections from the public were received in the lifetime of the application. They can be summarised below:

- Insufficient information to say what the banners are going to be used for
- The longevity of the banners being in place is unacceptable
- Creation and proliferation of additional clutter along East Finchley High Road
- Causes distractions to users of the road and pavement
- Misleading number of banners
- Location of banners next to several listed buildings including Phoenix Cinema
- Location of banners next to Amazing Grates and Bald Faced Stag
- Impact on Edwardian terraces of good quality

The application was called in to committee by Councillor Farrier and Councillor Mittra. This was on the grounds of the impact the banners would have on the character of East Finchley High Road.

The Highways department were consulted during the lifetime of the application and raised no objection to the scheme.

5. Planning Considerations

5.1 Main issues for consideration

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published on the 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Barnet's Local Plan (2012)

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM06, DM17.

Barnet's Design Guidance

Design Guidance Note 1 (Advertising and Signs) was approved in 1994 following public consultation. It states that advertisements should relate to their surrounding in terms of size, scale and sitting. In addition, they should be located to avoid visual clutter and not conflict with traffic signs or signals or be likely to cause confusion or danger to road users.

In respect to council policy and guidance it is considered that the proposed signage is acceptable.

5.3 Assessment of proposals

Local Planning Authority's power to control advertisements under the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 may be used only in the interests of 'amenity' and 'public safety'.

The applicant has submitted for advertisement consent to attach up to 24no PVC banners to lampposts along the A1000 High Road. The banners are located from Bedford Road to the north to Brompton Grove to the south. Following revisions to the number of banners, no banners are proposed to be located outside of the East Finchley Town Centre and outside statutorily listed buildings (East Finchley Library, East Finchley Station including Platforms and the Phoenix Cinema).

The following statement has been submitted by the Head of Network and Infrastructure - Environment:

"Bay Media are acting on behalf of the Council's Highways Team, in terms of providing one element (lamp post banner advertising) of the Councils recently adopted Advertising Policy, as already agreed by the Councils Environment Committee. This is part of the Environment Committees agreed savings targets over the next 5 year period as this agreement with Bay Media provides the Council with guaranteed annual income which ensures that the Council are achieving best value from the efficient use of existing Highway Assets.

Bay Media have worked closely with the Planning Team in order to identify suitable sites that seek to avoid conservation areas and locations near listed buildings and therefore the applications now being considered are for less sites than originally identified as being potentially viable advertising sites within the borough. This recognises the need for sensitive deployment of commercial advertising in the borough.

It is also import to understand that these applications are looking to establish an inventory of lamp posts which could potentially be utilised for the attachment of commercial advertising banners and hence provide flexibility on available sites across the borough. There are very few occasions where we would foresee all sites being booked at the same time. The creation of an inventory of approved sites allows Bay Media flexibility to sell to clients looking for specific sites for directional purposes and is something that has worked well in other boroughs where Bay Media are operating advertising schemes, such as the neighbouring boroughs of London Borough of Harrow and the London Borough of Camden.

For this application we foresee the type of client buying the banners to be local businesses and educational institutions, who have already shown a keen interest in this format of advertising as it is the most economical advertising format available to them. In addition to the deployment of commercial advertising it is also envisaged that Bay Media will assist the Authority to utilise the same lighting columns to deploy public messaging banners and local event promotions at appropriate times. This has already occurred in respect to specific COVID messaging and for the Barnet Medieval Event where banners have been installed for the past two years along Barnet High Street and are planned again in support of this years event.

The initial concession with Bay Media is for a 5-year period and has a requirement for all campaigns and clients being vetted and approved prior to installation by an Authorised Council Officer within the Highways Team of the London Borough of Barnet. There are also standard requirements such as meeting the advertising standards/codes to avoid any inappropriate forms of advertising being displayed."

The Council has had for many years a number of forms of advertising (particularly in Town Centres) and these have been in the form of free standing backlit advertising screens and similar screens mounted on, or built into bus shelters. The costs of advertising on these types of displays tends to attract the multi-national companies who have large advertising budgets and this does not give independent local businesses the opportunity to promote/advertise and/or way-find their business as they are too expensive.

By introducing unlit lamp post banners, this introduces an opportunity for local businesses to advertise and promote their business at a much lower - and hence affordable - cost.

It is also recognised that lamp posts provide a good opportunity for the Council to promote important public messaging and this also includes the promotion of local not for profit events. The arrangements put in place will ensure a degree of flexibility to allow a mix of both requirements. A recent example is the use of lamp posts to display important COVID messaging. Therefore, the advertisements will vary and it is suggested in support of the application that clients from local businesses will also utilise the banners.

Public Safety

When considering public safety, Local Planning Authorities are expected to have regard to the advertisements effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), over water, or in the air. Local Planning Authorities will therefore consider such matters as the likely behaviour of drivers of vehicles who will see the advertisement; possible confusion with any traffic sign or other signal; or possible interference with a navigational light or an aerial beacon. Local Planning Authorities will also bear in mind that some advertisements can positively benefit public safety by directing drivers to their destination. In their assessment of the public safety implications of an advertisement display, Local Planning Authorities will assume that the primary purpose of an advertisement is to attract people's attention and will therefore not automatically presume that an advertisement will distract the attention of passers-by, whether they are drivers, cyclists or pedestrians.

The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety. Further advice on assessing the public safety implications of the display of an advertisement is given in the Government's Planning Practice Guidance.

This application seeks consent for the installation of up to 24no. PVC lamppost banners. Amendments were sought during the application process, so that banners are contained within the primary and secondary retail frontage within East Finchley Town Centre.

The highways department raised no concern over the proposal in terms of the impact on the highways and public safety.

The PVC banners would be sited 2.8m above ground level, with a width of 0.785m and

height of 2.2m. They would not be illuminated, nor would they present moving images.

Whilst it is accepted that a majority of the advertisements would be sited in prominent locations running along East Finchley High Road, it is considered that given the static nature and siting above ground level, the proposal would not distract passing drivers or impede on pedestrian safety.

Several conditions are to be attached to the permission to ensure public safety, ensuring that any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public. In addition, a condition requiring that no advertisements shall be sited or displayed so as to endanger persons using the highway, obscure or hinder the ready interpretation of any road traffic sign, or obscure or hinder the operation of any device used for the purpose of security or surveillance, is to be attached to the permission.

The proposal is therefore acceptable, subject to conditions, thus complying with policy DM17.

Visual Amenity

When assessing an advertisement's impact on amenity, Local Planning Authorities should have regard to its effect on the appearance of the building and on the visual amenity of the immediate neighbourhood. The relevant considerations for this purpose are the local characteristics of the neighbourhood, including scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality.

Design Guidance Note 1 (Advertising and Signs) states that advertisements should relate to their surrounding in terms of size, scale and siting. In addition, they should be located to avoid visual clutter.

The advertisements are not proposed in a designated conservation area, nor would they be erected in close proximity to listed buildings. All of the advertisements are now located within the designated East Finchley Town Centre and are therefore considered appropriately located in a designated retail and commercial location.

The PVC banners would be sited 2.8m above ground level, with a width of 0.8m and height of 2.2m. The advertisements would be located above head height and given their scale, are not considered to adversely impact on the visual amenity of local residents.

It is acknowledged that there are a limited number of on street advertisements within the application site. This includes:

- A digital LED advertisement display on the corner of the A1000 High Road and Kitchener Road;
- A non-illuminated static advertisement board at a bus station outside 109 High Road (a Dry Cleaning and Laundrette shop)
- A digital LED advertisement display outside Jeremy Leaf & Co (no 98 High Road)
- A non-illuminated static advertisement display on a pillar outside Budgens (no 71 High Road)
- A non-illuminated static advertisement board at a bus station outside Martyn Gerrard (no 66 - 68 High Road)
- A non-illuminated static advertisement board at a bus station outside Diploma Court
- A digital LED advertisement display outside Phoenix Cinema (no52 High Road)

The advertisements are only being proposed on lampposts which are by their very nature well spaced out. This reduces the level of potential visual clutter as a result of the proposed banners to the visual amenity of the area and nearby locality at large.

Policy DM06 states that all heritage assets will be protected in accordance with their significance. There are a number of locally listed buildings along this stretch of the High Road. The proposed banners will be close to, and therefore potentially impact the most, the following locally listed buildings:

- Bald Faced Stag, 69 High Road (local listing ref HT00316)
- 54 - 82 High Road (local listing ref HT01049)
- 61-63 High Road (local listing ref HT01050)

There are three lampposts which impact the locally listed buildings overall, two outside the parade of nos. 54 to 82 High Road and one outside nos. 61-63 High Road.

Given the limited number of locally listed buildings which are impacted and when considering the size and siting of the banners, in an established commercial setting, it is considered that less than significant harm is caused to the heritage assets. In the context of the scheme as a whole, it is considered that the impact on heritage assets is, on balance, acceptable.

Given the scale of the proposed banners, the number and locations of existing street advertisements and the limited impact on the locally listed buildings, it is not found that the proposal would result in an unacceptable level of harm to the visual amenity of the area, including visual clutter.

As noted above, introducing unlit lamp post banners provides an opportunity for local businesses to advertise and promote their business at a much lower - and hence affordable - cost. It is considered that the proposed advertisements would not generate any significant additional harm to the visual amenity of the local area. The proposal is thus acceptable in this regard, complying with policy DM01.

6. Response to public comments

- Insufficient information to say what the banners are going to be used for.

Response: this has been addressed in the submission documents: they will be permanent features for the benefit of business advertisement as well as Council public messaging campaigns

- The longevity of the banners being in place is unacceptable

Response: give the impact on the visual amenity and highway safety is considered acceptable, the longevity of the proposed scheme is considered acceptable

- Creation and proliferation of additional clutter along East Finchley High Road

Response: given the proposal has been amended so as not to have banners outside statutorily listed buildings or outside of the designated town centre, and the banners only being located on lampposts which are well spaced out, the locations of the advertisements are not deemed to result in unacceptable clutter and are considered acceptable when considered in the round.

- Unacceptable impact on the character of East Finchley High Road

Response: this has been covered in the body of the report: given the proposal has been amended so as not to have banners outside statutorily listed buildings or outside of the designated town centre, this potential harm to the character of East Finchley outside the commercial area and where there is extra sensitivity has been overcome. Given the banners are now only being located on lampposts which are well spaced out; are in a designated town centre and are not outside statutorily listed buildings, the impact on this section of the A1000 High Road is considered acceptable.

- Causes distractions to users of the road and pavement

Response: this has been addressed in the body of the report: given the height, siting and static, non-illuminated nature of the advertisement, they are not considered to cause pedestrian or highway safety issues, supported by the view of Barnet Council's Highways Officer.

- Misleading number of banners

Response: this comment was noted by the case officer: no.31 banners were being proposed originally but the proposals have been amended to no..24 banners.

- Location of banners next to several listed buildings including Phoenix Cinema

Response: this has been addressed in the body of the report: only two locally listed buildings have banners outside them; the Phoenix is not one of them. The heritage impact of the proposal is addressed in the report. On the planning balance overall this is still considered acceptable.

- Location of banners next to Amazing Grates and Bald Faced Stag

Response: this has been covered in the body of the report: Amazing Grates (no.61-63) would have a banner directly outside it but The Bald Faced Stag would not. The heritage impact of this is considered to be limited given it is a locally not statutory listed building and the size and siting of the banners and them being non-illuminated. On the planning balance overall it is still considered acceptable.

- Impact on Edwardian terraces of good quality

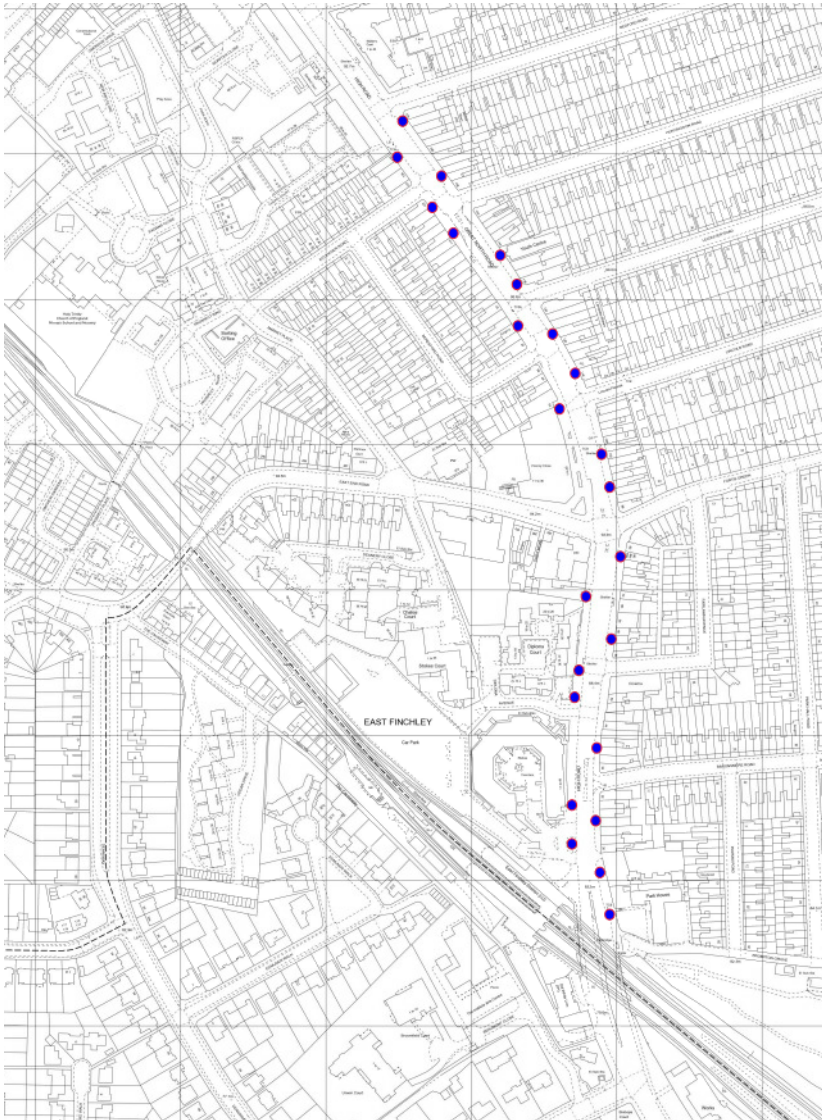
Response: given the potential benefits to local businesses, the location of the banners inside a designated town centre and their size, siting and overall design, the impact on the Edwardian terraces is considered limited and will not tip the planning balance in the case officer's judgement.

7. Equalities and Diversity Issues

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

8. Conclusion

The proposal is not considered to adversely affect the amenity or public safety of the surrounding area and is therefore considered to accord with the NPPF and the Development Plan. The application is therefore recommended for approval.



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Location 60 North End Road London NW11 7SY

Reference: 22/5523/HSE

Received: 15th November 2022

Accepted: 15th November 2022

Ward: Childs Hill

Expiry 10th January 2023

Case Officer: Robert Sweeney

Applicant: Mr And Mrs Raman

Proposal: Single storey rear extension following demolition of the existing conservatory

AGENDA ITEM 12

OFFICER'S RECOMMENDATION

Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The proposed single storey rear extension would, by reason of its depth and siting, appear bulky, prominent and out of scale with the host dwellinghouse, which would be detrimental to the character and appearance of the host property, and the surrounding area contrary to Policy DM01 of the Development Management Policies DPD (2012), Policies CS NPPF, CS1 and CS5 of the Core Strategy (2012) and the Residential Design Guidance SPD (2016).
- 2 The proposed single storey rear extension would by reason of its size, siting and rearward projection represent an overbearing addition, resulting in an unacceptable loss of outlook and increased sense of enclosure when viewed from No. 58 North End Road, detrimental to the residential amenities of the occupiers of this property,

contrary to Policy DM01 of the Development Management Policies DPD (2012), Policies CS NPPF, CS1 and CS5 of the Core Strategy (2012), the Residential Design Guidance SPD (2016) and the Sustainable Design and Construction SPD (2016).

Informative(s):

- 1 The plans accompanying this application are:

Proposed site plan 755_L(0)020
Proposed ground floor plans 755_L(0)011 rev A
Proposed roof plan 755_L(0)005 rev A
Proposed side elevation east 755_L(0)016 rev A
Proposed rear elevation 755_L(0)017 rev A
Proposed sections AA 755_L(0)019 rev A
Proposed side elevation west 755_L(0)018 rev A
Block plan and location plan 755_L(0)001
Existing first floor plan 755_L(0)003
Existing front elevation north 755_L(0)006
Existing ground floor plan 755_L(0)002
Existing loft plan 755_L(0)004
Existing rear elevation south 755_L(0)008
Existing roof plan 755_L(0)005
Existing section AA 755_L(0)010
Existing side elevation east 755_L(0)007
Existing side elevation west 755_L(0)009

- 2 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

OFFICER'S ASSESSMENT

The application has been called to committee by Councillor Perlberg, for the following reason:

"The Barnet Residential Design Guidance SPD allows for single storey rear extensions of 3.5 metres on semi-detached properties. There is an existing extension to the property that extends 3.8m from the rear wall of the property that establishes a building line at the rear of the property. The proposal is to build up to that line and while that is beyond the 3.5m allowed for in the policy it is considered acceptable given the building line established by the existing extension.

The proposal is for a full width extension and although the existing extension is not a full width extension, a planning permission already exists for a full width extension of 3.5m. It is not considered that the proposed extension would cause any significant or unacceptable harm to neighbouring amenity over and above the existing planning permission.

Indeed, it appears that the extension has been designed to step down towards the rear elevation.

The proposed extension does extend beyond the line of the existing extension to the west of the site, but there is an existing extension to No 62 close to the boundary of the property and the application site is lower than No 62."

1. Site Description

The application site is located at 60 North End Road, London, NW11 7SY, consisting of a two-storey semi-detached dwellinghouse with front and rear amenity space. The area surrounding the site is predominantly residential, consisting of similar semi-detached and terraced dwellinghouses. The site is located within the Childs Hill ward.

The site is not located within a conservation area and is not a listed building.

2. Site History

Reference: 21/5349/HSE

Address: 60 North End Road, London, NW11 7SY

Decision: Approved subject to conditions

Decision Date: 10 January 2022

Description: Single storey rear extension following demolition of the existing conservatory (AMENDED DESCRIPTION)

Reference: 21/6731/192

Address: 60 North End Road, London, NW11 7SY

Decision: Lawful

Decision Date: 17 February 2022

Description: Roof extension involving hip to gable, rear dormer window and 3no front and 1no rear facing rooflights

3.Proposal

Single storey rear extension following demolition of the existing conservatory.

The conservatory has been demolished and work commenced in relation to implementation of the recent permission. During this process it has become apparent that the proposed works are not in compliance with the approved drawings.

The previous conservatory was approx. 3.8m deep, set off approx. 0.8m from the boundary with no. 58 and was approx. 2.7m high at the eaves.

The proposal would measure approximately 4.3m in depth and run the full width of the house, albeit set off 0.4m from the boundary with no. 58 , with an eaves height of 2.72m nearest no. 58 and a maximum height of 2.88m to the parapet wall, although the parapet nearest the rear elevation extends to a height of 3.35m. The roof would be angled down towards this boundary. The part of the extension nearest no. 62 would be higher with a parapet height of 3.35m. Given the staggered original rear elevation, the depth of the extension nearest to no. 62 would be 3.47m.

4. Public Consultation

Consultation letters were sent to 14 neighbouring properties. Two comments have been received raising the following objections:

- the proposed development is greater than the recently approved application with a depth of 3.5m.
- as the proposal seeks a 4.3m deep extension, it would have an undue impact on the neighbouring properties, over and above the previously approved extension.
- given that planning policy has not changed in the time between the two applications, why should a larger rear extension of this size and scale be granted when it was not seen as acceptable in the past.
- no mitigation factors have arisen during the lifetime of the two applications, which would allow for this increase in size.
- the proposed extension would have a detrimental impact on the surrounding properties, with the proposed depth being much greater than that which would normally be granted.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published on 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to

communities...being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

Policy DM01 requires that all proposals should preserve and enhance the local character of the area. The Residential Design Guidance states that a depth of 3.5 metres is normally considered acceptable for a single-storey rear extension on a semi-detached property. The proposal would measure approximately 4.3m in depth, for almost the full width of the building.

The previous application was amended to ensure that the depth was no more than 3.5m to accord with the residential design guidance.

In relation to the previous approval, the report noted the following: "Following a review of

aerial photography, it was noted that a number of other properties in the surrounding area, and along North End Road, have extended to the rear and therefore the principle of a single storey rear extension is not thought to be of detriment to the character of the surrounding area. Further, the proposal is located to the rear and will not be visible from the public realm. Overall, the proposal is considered to respect the proportions of the original building and would have an acceptable impact on the character and appearance of the host dwelling and surrounding area."

The properties along this stretch of North End Road and Park Avenue behind have very shallow rear gardens. The garden at the application property is some 6m in depth from the previous conservatory which was 3.8m deep. This would be reduced further as the proposed extension is some 0.5m deeper than the conservatory and extends the full width of the property. The property (with the loft conversion) has 6 bedrooms. The Sustainable Design and Construction SPD has the following outdoor amenity space requirements:

-85 m2 of space for up to seven or more habitable rooms

The property as existing has approx. 50 m2 of rear garden and fails to comply with this requirement and the additional footprint arising from the extension would reduce this area further.

Recent permissions in this part of the road have approved a 3.5m deep rear extension at no. 74 (20/3856/HSE) and a 3m deep extension at no. 70 (18/1480/FUL).

The extension as proposed would not, therefore, comply with the above guidelines. Further, due to its depth, it would appear bulky and disproportionate to the property, taking into account the shallow garden.

Overall, the proposal is not considered to respect the proportions of the original building and would have an unacceptable impact on the character and appearance of the host dwelling and surrounding area.

- Whether harm would be caused to the living conditions of neighbouring residents.

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan, policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The previous conservatory was approx. 3.8m deep, set off approx. 0.8m from the boundary with no. 58 and was approx. 2.7m high at the eaves.

The approved extension was 3.5m deep, adjacent to the boundary with no. 58, the full width of the house and 2.7m high with a flat roof.

The proposed extension would measure approximately 4.3m in depth and run the full width of the house, set off 0.4m from the boundary with no. 58, with an eaves height of 2.72m nearest no. 58 and a maximum height of 2.88m to the parapet wall, although the parapet nearest the rear elevation extends to a height of 3.35m. The roof would be angled down towards this boundary.

The part of the extension nearest no. 62 would be higher with a parapet height of 3.35m. Given the staggered original rear elevation, the depth of the extension nearest to no. 62 would be 3.47m.

It is noted that no. 58 North End Road does not currently benefit from a rear extension. As

such, the proposal would extend by 4.3m past the rear building line of this neighbour, albeit 0.4m from the boundary. The height as seen from no. 58 for most of the depth of the extension would be 2.88m. The approved extension was 3.5m deep on the boundary with a height of 2.7m. No. 58 is to the west of no. 62.

It is considered that this additional depth would result in some loss of light and overshadowing and would appear overbearing resulting in an increased sense of enclosure when seen from the rear facing windows and the garden of no. 58. This is not helped by the small size of the gardens. The additional impact is such that officers consider that the residential amenities of the occupiers of no. 58 would be adversely affected by the additional depth of the extension.

It is noted that no. 62 North End Road benefits from a rear extension near the boundary, and the current proposal only projects approx. 0.5m past the rear building line of this neighbour with just over 1m between the 2 properties. It is noted that the extension is higher than the one previously approved, but given the small projection rearward of the extension at 62, the additional height is considered not to be overbearing. As such it is considered that the proposal would not result in overshadowing or have an unduly overbearing appearance and would have an acceptable level of impact on the amenities of the occupiers of no.62.

5.4 Response to Public Consultation

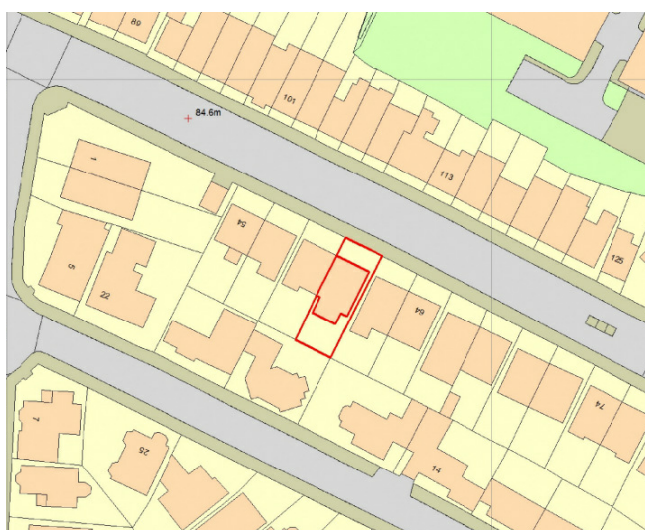
The matters raised have been addressed in the report. Each case must be considered on its merits in relation to the relevant policies and guidelines.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set out in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would NOT have an acceptable impact on the character and appearance of the application site or wider locality, or the amenities of the occupiers of no. 58 North End Road. This application is therefore recommended for REFUSAL.



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Jeanettes - 22/0650FUL

AGENDA ITEM 13

Erection of a single storey building with rooms in the roofspace to provide 7no dwellings. Associated cycle, refuse and recycling space. Provision of off street parking and amenity space

S106 Obligation

To secure occupation of the development to nursing staff at Belmont Farm Nursery or persons employed as teachers within the borough.

CONDITIONS

1. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan - VR/JEAN/01/01-2
Proposed Ground & First Floor Plans - 2511.01 Rev D
Proposed Elevations - 2511.02 Rev A
Proposed GIA - 2511.03
Proposed Roof Plan Proposed Site Section - 2511.04 Rev B
Proposed Bike Storage Proposed Site Plan - 2511.05 Rev B
Tree Constraints Plan - JCTCP-OCT18
Tree Retention and Protection Plan - JCTRP-NOV18
Landscape Scheme - VR/JEAN/01/08
Details of Bin and Dirty Storage - VR/JEAN/01/09

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

2. Time Limit

This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Levels

a) No development, shall take place other than any demolition works, until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD.

4. Materials

a) No development above ground floor slab level works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The submission shall include details of all new brickwork (including proposed pointing), roof tiles, windows, doors, dormer windows, and the proposed colours of all external finishes.

c) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies D3, D4, D5 and D6 of the London Plan 2021.

5. DCLMP

a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

6. Parking as per plan

Prior to occupation of the development the proposed parking spaces within the parking area as shown in drawings no.2511.05 Rev.B submitted with the planning application and the access to the parking area from the public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason : To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

7. Cycle parking spaces

Prior to occupation of the development, cycle parking spaces shall be provided in accordance with London Plan cycle parking standards, as detailed on the approved plans (Proposed Bike Storage Proposed Site Plan - 2511.05 Rev B), and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

8. Disabled parking spaces

Prior to occupation of the development disabled parking spaces shall be provided in accordance with the London Plan Parking Standards. Thereafter, the parking spaces shall be retained and only be used as agreed and not for any purpose other than parking and turning of vehicles for the disabled use in connection with approved development.

Reason:: To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

9. EVCP

Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved

residential parking spaces to be provided with active electric vehicle charging facilities and 20% passive electrical charging facility. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy T.6.1 of the London Plan.

10. Refuse storage/collection arrangements

a) Before the permitted development is occupied, details of refuse storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority.

b) The development thereafter shall only be operated in accordance with the approved refuse storage and collection arrangements.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012

11. Contaminated Land

Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

12. Air Quality NRMM (Bespoke)

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

13. Restrict noise from plant

The level of noise emitted from any installed plant (ASHP, air conditioning units) hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and policy D.14 of the London Plan 2021.

14. Ventilation/extraction plant – mitigation

a) No occupation of the development hereby approved shall take place until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of any installed ventilation/extraction plant (if appropriate), and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies D13 and D14 of the London Plan 2021.

15. Archaeological WSI

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. Where appropriate, details of a programme for delivering related positive public benefits. Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: To safeguard the archaeological interest on this site, in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012), CS5 of London Borough of Barnet's Core Strategy (Adopted September 2012), policy HC1 of the London Plan (adopted 2021) and paras. 190 and 197 of the NPPF.

16. Hard and soft landscaping

a) Notwithstanding the approved plans, full details of a scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and

positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and G.7 of the London Plan 2021.

17. Tree protection measures

a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until the tree protection measures as detailed in the approved Tree Constraints Plan - JCTCP-OCT18 have been provided on site.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy D4 and G7 of the London Plan 2021.

18. CEMP

No development (including Demolition, Ground Works, and Site Preparation Works) shall commence until a Construction Environmental Management Plan, setting out the construction and environmental management measures associated with that Development, has been submitted to and approved in writing by the Local Planning Authority (LPA). This is to ensure that any adverse effects are minimised during construction on species identified within the Adonis Ecology Report, Project Ref: 1588, dated 10th March 2022, and to demonstrate how these mitigations provide safeguarding for species and/or habitats.

The CEMP shall include:

- a) Site information
- b) Description of works, equipment and storage
- c) Programme of works
- d) Temporary hoarding and fencing
- e) Temporary works

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy G.6

19. Lighting – Bats

a) No lighting shall be fixed on the external faces of the building hereby approved, or provided within the site, unless and until details of external lighting are submitted to and approved in writing by the Local Planning Authority beforehand.

Any lighting must be designed and used to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>.

b) The lighting shall be installed in accordance with the details approved before first occupation and retained as such thereafter.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse effect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document (DPD) 2012 and London Plan Policy G.6

20. Ecological enhancements

Prior to occupation of the development hereby approved, the scheme of ecological enhancements to incorporate ecological net gain, as detailed in the Adonis Ecology Report, Project Ref: 1588, dated 10th March 2022 , shall be provided as part of the development.

The enhancements as provided shall be incorporated into the design, and managed after in perpetuity.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy G.6

21. Construction work hours

No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

22. Water consumption

Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. Each residential phase of the development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI5 of the London Plan 2021.

23. Part M4(2) of Schedule 1

Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policy D7 of the London Plan 2021.

24. Carbon dioxide emissions

Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policy SI2 of the London Plan 2021.

25. Means of enclosure

a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat

c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM16, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

26. Privacy screens

a) Before the development hereby permitted is first occupied, details of privacy screens, or means to secure the privacy of ground floor units from the communal garden area shall be submitted to and approved in writing by the Local Planning Authority.

b) The details approved under this condition shall be provided before first occupation and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

INFORMATIVES

Approved/pre-app

In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

CIL Approval

The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Planning Obligation

A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

Archaeological Investigation

The applicant is advised that written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines. They must be approved by the Local Planning Authority before any on-site development related activity occurs.

Highway Condition Survey

As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway.

A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

Refuse collection point

Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

Gates open inwards

Any gates must open inwards and not out onto the public highway for health and safety reasons.

Land Contamination

In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

Acoustic Consultant

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

Construction Method Statement

The submitted Construction Method Statement shall include as a minimum details of:

- o Site hoarding
- o Wheel washing
- o Dust suppression methods and kit to be used
- o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- o Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

- o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

DATED

2022

THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF BARNET

and

VISION RESIDENCES (PHASE TWO) LLP

DEED OF PLANNING OBLIGATION

made pursuant to Section 106 of the Town and Country Planning Act 1990 and all enabling powers relating to the development of land at
Land Jeanettes, North of The Ridgeway, Barnet NW7 1EL
in the London Borough of Barnet
APPLICATION REF: 22/0650/FUL

HB Public Law
PO Box 2
Civic Centre
Harrow, Middlesex
HA1 2UH
DX 30450 HARROW 3

Ref: EBAC-PH001-07717

THIS DEED is made the day of 2022

BETWEEN:

- (1) **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF BARNET** of 2 Bristol Avenue, Colindale, London NW9 4EW ("**the Council**");
and
- (2) **VISION RESIDENCES (PHASE TWO) LLP** (LLP Regn. No. 0C378370) of C/O RMPI LLP, Moss House, 15-16 Brook's Mews, London W1K 4DS ("**the Owner**")

WHEREAS:

- (A) The Council is the local planning authority for the purposes of the 1990 Act for the area within which the Land is situated and by which the obligations in this Deed are enforceable.
- (B) The Owner is the proprietor of the freehold interest of the Land registered at HM Land Registry under title number AGL178295.
- (E) The Application was submitted by the Owner to the Council, which the Council resolved on 1 September 2022 at Planning Committee A to grant planning permission subject to the prior completion of this Deed.
- (E) The Council considers it expedient in the interests of the proper planning of its area and having regard to the development plan and to all other material considerations that provision should be made for regulating or facilitating the Development in the manner set out in this Deed.
- (F) The Parties are satisfied that the planning obligation secured by this Deed is necessary to make the Development acceptable in planning terms, are directly related to the Development and are fairly and reasonably related in scale and kind to the Development.
- (G) The Parties have therefore agreed to enter into this Deed to secure the planning obligations with the intention that the same should be binding not only upon the Parties but also upon their successors in title and any persons

claiming title through under or in trust for them unless as otherwise specified in this Deed.

NOW THIS DEED WITNESSES as follows:-

1 INTERPRETATION

1.1 For the purposes of this Deed the following words and expressions shall unless the context otherwise requires have the following meanings:-

“1990 Act” means the Town and Country Planning Act 1990

“Application” means the application made by the Owner for full planning permission to carry out the Development on the Land and bearing reference number 22/0650/FUL

“Belmont Farm Childrens’ Day Nursery” means the childrens’ day nursery adjacent to the Land at Belmont Farm, The Ridgeway, London NW7 1QT, including:
(i) any replacement or similar business; resulting in the need for employee accommodation by Nursery Staff

“Borough” means the administrative area of the London Borough of Barnet

“Commencement of Development” means commencement of the Development by the undertaking of a material operation as defined by section 56(4) of the 1990 Act PROVIDED ALWAYS THAT:
(a) ground investigations and/or site survey

works;

(b) diversion decommissioning and/or laying of services and service media for the supply or carriage of electricity gas water sewerage telecommunications or other utilities media or services;

(c) construction of temporary boundary fencing or hoardings;

(d) temporary diversion of highways;

(e) archaeological investigation;

(f) noise attenuation works;

(g) demolition works;

(h) works of site clearance;

(i) remediation works;

(j) evacuation works to adjust ground levels on site;

(k) construction of access to the Site; and

(l) temporary display of advertisements

shall not be taken to be a material operation for the purposes of this Deed and “Commence Development”, “Commencement” “Commenced” and “Commences” shall be construed accordingly

“Deed”

means this agreement

“Development”

means the erection of a single storey building with rooms in the roof space to provide 7 no dwellings. Associated cycle,

refuse and recycling space. Provision of off street parking and amenity space

“Expert”

means an independent person holding appropriate professional qualifications appointed in accordance with the provisions of clause 9 of this Deed

“Index”

means the “All Items” Retail Prices Index published by the Office for National Statistics (or any successor ministry department or organisation) or if such index is at the relevant time no longer published such other comparable index or basis for indexation as the Parties may agree

“Index Linked”

means the product (if any) of the amount of the Contributions payable under this Deed multiplied by A and divided by B where:

"A" is the most recently published figure for the Index prior to the date of the payment; and

"B" is the most recently published figure for the Index at the date of this Deed

“Interest”

means interest at 4% (four percent) above the base lending rate of the Co-operative Bank Plc or such other bank as the Council may specify from time to time

“Land”

means the land at Jeanettes, Land North of The Ridgeway, Barnet NW7 1EL registered under title number AGL178295 upon which

the Development on the Site is to take place and against which the obligations in this Deed may be enforced shown for the purpose of identification only edged red on the Site Plan

“Local Teachers”

means teachers or those involved in the provision of education

“Monitoring Contribution”

means the sum of £500.00 (Five Hundred Pounds) Index-Linked (towards the Council's costs of monitoring the planning obligation in this Deed

“Nursery Staff”

means those employed as staff at the Belmont Farm Childrens’ Day Nursery or alternatively Local Teachers in the Borough

“Occupation”

means occupation of the Development for the purposes permitted by the Planning Permission but does not include occupation by personnel engaged in demolition, construction, fitting out, decoration, marketing, or for site security purposes and **“Occupy”** and **“Occupiers”** shall be construed accordingly

“Party”

means each of the Council and the Owner

“Planning Permission”

means the planning permission for the Development to be granted by the Council pursuant to the Application substantively in the form of the draft decision notice at Schedule 2

“Section 73 Permission”	means a subsequent planning permission granted pursuant to Section 73 of the 1990 Act which varies and/or removes any condition attached to the Planning Permission
“Site”	means the land shown edged red on the Site Plan
“Site Plan”	the plan attached to this Deed at Schedule 1
“Statutory Undertaker”	means a statutory undertaker as defined by section 262 of the 1990 Act and Article 2(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015
“Working Day”	means a day that is not a Saturday, Sunday or public holiday in England

1.2 In this Deed:

- 1.2.1 reference to any statutory provision or enactment shall include reference to any statutory re-enactment thereof and any statutory instrument regulation or order made under it which is for the time being in force;
- 1.2.2 the headings in this Deed are for convenience only and shall not be deemed to be part of, or taken into consideration in the interpretation of this Deed;
- 1.2.3 reference to any clause sub-clause paragraph or schedule are references to clauses sub-clauses paragraphs or schedules in this Deed;

- 1.2.4 unless the context otherwise requires words importing the singular meaning shall include the plural and vice versa;
- 1.2.5 words of the one gender include other genders and words denoting actual persons include bodies corporate companies corporations and firms and all such words shall be construed as interchangeable in that manner;
- 1.2.6 words denoting an obligation on a Party to do any act matter or thing include an obligation to procure that it be done and words placing a Party under a restriction include an obligation not to allow cause permit or suffer any infringement of the restriction;
- 1.2.7 covenants made in this Deed if made by more than one person are made jointly and severally unless otherwise expressly stated;
- 1.2.8 reference to any Party to this Deed shall include the successors in title to that Party and in the case of the Council shall mean any successor to its respective statutory functions.

2 STATUTORY AUTHORITY AND ENFORCEABILITY

- 2.1 This Deed is entered into under section 106 of the 1990 Act for the purposes of creating planning obligations in respect of the Land and subject to clause 2.2, all the restrictions covenants and undertakings in this Deed are planning obligations for the purposes of Section 106 and are (subject to the terms of this Deed) enforceable by the Council not only against the Owner but also against any successors in title to the respective interests of the Owner (unless otherwise stated in this Deed).
- 2.2 To the extent that any of the obligations contained in this Deed are not planning obligations within the meaning of the 1990 Act, they are entered into by the Council pursuant to the powers contained in section 111 of the Local Government Act 1972 and section 1 of the Localism Act 2011.

3 EFFECT AND CONDITIONALITY OF THIS DEED

The provisions of this Deed shall become binding following:

3.1.1 the grant of the Planning Permission; and

3.1.2 the Commencement of Development

save for the provisions of clause 2 (Statutory Authority and Enforceability) clause 4.2 (Fees), clause 9 (Dispute Provisions), clause 14 (Notices) and clause 20 (Jurisdiction) which shall come into effect on completion of this Deed.

4 OWNER'S AND COUNCIL COVENANTS

4.1 The Owner covenants with the Council to perform the obligations set out in Schedules 3 and 4 to this Deed.

4.2 The Owner covenants to pay on or before completion of this Deed the Council's reasonable legal costs incurred in connection with the negotiation, preparation and execution of this Deed.

5 EXCLUSIONS

This Deed shall not bind or be enforceable against the following:-

- i. any persons after they have disposed of all of their interests in the Land (or in the event of a disposal of part against the part disposed of) so that such persons shall be released from all liability contained in this Deed but this release shall be without prejudice to the liability of any such person for any subsisting breach of this Deed prior to parting with such interest;
- ii. lessees, tenants or Occupiers of the Dwelling; and
- iii. any Statutory Undertaker or other person with any interest in any part of the Land for the purpose of the supply of electricity gas water drainage telecommunication services or public transport services.

6 DETERMINATION OF THE PLANNING PERMISSION

6.1 Without prejudice to any of the obligations which come into force on or before the date of this Deed it is agreed and declared that this Deed shall cease to have any further effect in the event that:-

- (a) the Planning Permission shall lapse without having been implemented;
or
- (b) the Planning Permission shall be revoked; or
- (c) if the Owner shall before Commencement of Development implement any subsequent planning permission for the permanent redevelopment of the Land which prevents implementation of the Planning Permission in accordance with its terms; or
- (d) if the Planning Permission is quashed on judicial review without being thereafter re- granted by the Council.

6.2 In the event that this Deed ceases to have effect as a result of the occurrence of any of the events set out in this clause 6 the Council shall effect the cancellation of all entries made in the register of local land charges in respect of this Deed.

6.3 This Deed is intended to regulate and restrict the carrying out of the Development and shall not prohibit or restrict the carrying out of any other development which may be authorised by any planning permission other than the Planning Permission.

7 CONSENT AND GOOD FAITH IN RELATION TO THIS DEED

7.1 It is hereby agreed and declared that any agreement approval consent confirmation comment or declaration or expressions of satisfaction required from any of the Parties under the terms of this Deed shall not be unreasonably withheld or delayed and shall be given in writing.

7.2 The Council shall not be required to pay any costs in the giving of any such agreement approval consent confirmation comment or declaration or

expressions of satisfaction referred to in clause 7.1 from the Council to any other Party to this Deed.

8 VERIFICATION AND ENFORCEMENT

The Owner shall permit the Council and its authorised employees and agents upon reasonable request and reasonable notice to enter the Land at all reasonable times for the purposes of verifying whether or not any planning obligations arising under this Deed has been performed or observed **SUBJECT TO** compliance by the Council and its authorised employees and agents at all times with the Owner's site regulations and requirements and health and safety law and good practice.

9 DISPUTE PROVISIONS

- 9.1 In the event of any dispute or difference arising between the Parties in respect of any matter contained in this Deed (including any failure by the Parties to agree or approve any matter falling to be agreed or approved under this Deed) which cannot be resolved by prior agreement between the Parties then unless the relevant part of the Deed indicates to the contrary, such dispute or difference shall be referred to an Expert to be agreed by the Parties, or in the absence of agreement, to be appointed, at the request of any of the Parties, by or on behalf of the president for the time being of the professional body chiefly responsible for dealing with such matters as may be in dispute and the decision of such an Expert shall be final and binding on the Parties.
- 9.2 The Expert shall be appointed subject to an express requirement that the Expert shall reach a decision and communicate it to the Parties within the minimum practicable timescale allowing for the nature and complexity of the dispute and in any event not more than twenty-eight (28) Working Days from the date the Expert receives the written submissions of the Parties pursuant to clause 9.3.
- 9.3 The Expert shall be required to give notice to each Party inviting each to submit within ten (10) Working Days of the Expert's appointment, written submissions and supporting material and shall afford each Party a further five

(5) Working Days to make counter-submissions to the written submissions of any other Party.

9.4 The Expert's costs shall be payable by the Parties to the dispute in such proportion as he shall determine and failing such determination shall be borne by the Parties in equal shares.

9.5 The provisions of this clause 9 shall not fetter the Council's power to enforce this Deed by way of an application for declaratory relief or injunction.

10 POWERS OF THE COUNCIL

Nothing in this Deed shall fetter or restrict or prejudice or affect the rights discretions powers duties and obligations of the Council in the exercise of its statutory functions under any enactment (whether public or private) statutory instrument regulation byelaws order or power for the time being in force.

11 WAIVER

No waiver (whether express or implied) by the Council of any breach or default by the Owner in performing or observing any of the covenants terms conditions undertakings obligations or restrictions contained in this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the said covenants terms conditions undertakings obligations or restrictions or from acting up on any subsequent breach or default in respect thereof by the Owner.

12 SEVERABILITY

12.1 Each clause sub-clause schedule or paragraph in this Deed shall be separate distinct and severable from each other to the extent only that if any clause sub-clause schedule or paragraph becomes or is invalid because one or more of such clause sub-clause schedule or paragraph shall be held by the Courts to be void for any reason whatsoever but would be valid if severed or any wording was deleted or any time period reduced or scope of activities or area covered) diminished then any modifications necessary to ensure such clause

sub-clause schedule or paragraph be valid shall apply without prejudice to any other clause sub-clause schedule or paragraph contained therein.

- 12.2 If any provision in this Deed is held to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.

13 SATISFACTION OF ANY OF THE PROVISIONS OF THIS DEED

Subject to the payment of the Council's reasonable costs and charges in connection with certification, the Council will upon the written reasonable request of the Owner at any time after all the obligations of the Owner under this Deed have been performed or otherwise discharged as soon as is reasonably practicable cancel all entries made in the Register of Local Land Charges in respect of this Deed.

14 NOTICES

- 14.1 Unless otherwise expressly stated, any notice, notification, amendments to approved documents, consent or approval or demand for payment required to be given under this Deed shall be in writing and shall be delivered personally or sent by pre-paid first class post or recorded delivery or by commercial courier as follows:

- (a) in the case of the Council at the address for the Council stated at the head of this Deed or any other address previously notified by the Council in writing;
- (b) in the case of the Owner at the address for the Owner stated at the head of this Deed or any other address previously notified by the Owner in writing;
- (c) in the case of any successors in title to the Owner, to their registered office address or any other address provided to the Parties.

- 14.2 Any notice shall be deemed to have been duly received:

- (a) if delivered personally, when left at the address and for the contact referred to in this clause 14;
- (b) if sent by pre-paid first class post or recorded delivery, on the 2nd Working Day after posting; or
- (c) if delivered by commercial courier, on the date and at the time that the courier's delivery receipt is signed.

15 CHANGE OF OWNERSHIP

The Owner covenants to give the Council written notice of any change in ownership of any of its legal interests in the Land occurring before all the planning obligations under this Deed have been discharged such notice to be served within twenty one (21) days of such transfer and to give details of the new owner's full name and postal address together with the area of the Land purchased by reference to a plan or postal address (or registered office if a company) **PROVIDED ALWAYS THAT** the Owner shall not be required to give any such notice to the Council where the new owner is a Statutory Undertaker or similar utility provider.

16 SECTION 73 PERMISSION

In the event that a Section 73 Permission is granted the Parties acknowledge that the obligations in this Deed shall bind the Land in respect of that consent **PROVIDED THAT** the Council when determining any Section 73 application relating to the Land shall not be restricted from requiring that any consequential obligations of an appropriate nature (so far as they are materially different to those contained in this Deed) be secured by way of a new deed or supplemental deed or deed of modification pursuant to Section 106 (or Section 106A) of the 1990 Act.

17 INTEREST ON LATE PAYMENT

Without prejudice to any other right remedy or power herein contained or otherwise available to the Council if payment of any sum referred to in this Deed becomes due and remains unpaid then the Owner shall pay the Council Interest on such unpaid sum from the date when it became due to the date it is paid in full to the Council.

18 THIRD PARTY RIGHTS

The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Deed and as such a person who is not named in this Deed shall not have a right to enforce any of its terms **PROVIDED ALWAYS THAT** nothing in this Deed shall prevent any successors in title to any of the Parties from being able to benefit or to enforce the provisions of this Deed (and in the case of the Council) the successor to its respective statutory functions.

19 REGISTRATION OF THIS DEED

This Deed shall be registered as a local land charge in the Register of Local Land Charges maintained by the Council.

20 GOVERNING LAW AND JURISDICTION

This Deed is governed by and interpreted in accordance with the law of England and subject to the exclusive jurisdiction of the English courts.

IN WITNESS of which this Deed has been executed by the Parties as a Deed and delivered on the day and year first above written.

SCHEDULE 1 - PLAN

SCHEDULE 2 - DRAFT DECISION NOTICE

SCHEDULE 3 - NOTIFICATION

The Owner hereby covenants that it shall give to the Council at the address stated at the head of this Deed (or such other address as the Council shall have previously notified to it) no less than twenty (20) Working Days prior written notice of the intended date of:

- (a) Commencement of the Development; and
- (b) First Occupation of the Development.

SCHEDULE 4 –HOUSING ACCOMMODATION

The Owner hereby covenants with the Council:

1. Not to permit or cause any of the flats to be Occupied other than by Nursery Staff as accommodation in association with the adjacent Belmont Farm Childrens' Day Nursery; or
2. If any flats are not Occupied in accordance with paragraph 1 of this Schedule 4, the flats shall only otherwise be Occupied by persons employed as Local Teachers in the Borough
3. Not to charge Rent in excess of 75% of open market rent of new built properties within a 2 mile radius of the Site

SCHEDULE 5 - COUNCIL COVENANTS

The Council hereby covenants with the Owner as follows:

1. The Council spend (or commit for expenditure) the Contribution solely for the purposes specified in this Deed or for such other purposes for the benefit of the Development as the Council and the Owner may agree from time to time.
2. The Council shall if requested by the Owner in writing, to provide evidence of how the Contribution have been used or committed for expenditure.
3. The Council shall on the expiration of a 10 (ten) year period from the date of payment any Contribution not committed to expenditure in accordance with the provisions of this paragraph shall be upon the written application of the payor be repaid to the payor within sixty (60) Working Days from the end of that period together with any interest that has accrued.

THE COMMON SEAL of THE MAYOR)
AND BURGESSES OF THE LONDON)
BOROUGH OF BARNET was hereunto)
affixed in the presence of:)

Authorised Signatory

EXECUTED AS A DEED by)
VISION RESIDENCES (PHASE TWO))
in the presence of:)

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